

Act No. 360
Public Acts of 2010
Approved by the Governor
December 22, 2010
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**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

**Introduced by Reps. Spade, Gonzales, LeBlanc, Barnett, Terry Brown, Jackson, Nathan, Neumann, Liss,
Robert Jones, Womack, Kennedy, Bauer, Miller, Constan, Hammel, Warren, Smith, Durhal, Meadows,
Lisa Brown and Polidori**

ENROLLED HOUSE BILL No. 5575

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 462j.

The People of the State of Michigan enact:

Sec. 462j. (1) A person shall not knowingly provide or obtain the labor or services of another person by force, fraud, or coercion. Except as provided in subsections (2) and (3), a person who violates this subsection is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

(b) If the violation involves the forced labor of a minor or a commercial sex act, or if the violation involves serious physical harm to any person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

(c) If the violation involves the death of any person, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$50,000.00, or both.

(2) A person shall not knowingly recruit, harbor, transport, provide, or obtain a person for labor or services for the purpose of holding that person in involuntary servitude or debt bondage. A person who violates this section is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

(b) If the violation involves the trafficking of a minor or a commercial sex act, or if the violation involves serious physical harm to any person, the person is guilty of a felony punishable by imprisonment for not more than 20 years or a fine of not more than \$20,000.00, or both.

(c) If the violation involves the death of any person, the person is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than \$50,000.00, or both.

(3) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(4) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for the commission of any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

(5) The court shall order a person convicted of violating this section to pay restitution to the victim in the manner provided in section 16b of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766b, and to reimburse any governmental entity for its expenses incurred as a result of the violation, in the manner provided in section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.

(6) As used in this section:

(a) "Coercion" includes, but is not limited to, any of the following:

(i) A threat to harm or physically restrain any person or the creation of any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in harm to or physical restraint against any person.

(ii) The confiscation of documents without regard to whether the documents are fraudulent or fraudulently obtained; and the abuse or threatened abuse of the legal system, including threats of arrest or deportation without regard to whether the person being threatened is subject to arrest or deportation under the laws of this state or the United States.

(b) "Commercial sex act" means either of the following:

(i) Any act of sexual penetration or sexual contact as defined in section 520a for which anything of value is given to, or is received by, any person.

(ii) Any sexually explicit performance as defined in section 3 of 1978 PA 33, MCL 722.673, for which anything of value is given to, or is received by, any person.

(iii) A violation of section 145c(2) or (3) involving any child sexually abusive activity or material.

(c) "Debt bondage" includes, but is not limited to, the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

(d) "Force" includes, but is not limited to, physical violence or actual physical restraint or confinement, but injury is not required.

(e) "Fraud" includes, but is not limited to, a false or deceptive offer of employment or marriage.

(f) "Involuntary servitude" includes, but is not limited to, a state of providing labor or services entered into or maintained by means of force, fraud, or coercion.

(g) "Minor" means an individual less than 18 years of age.

(h) "Serious physical harm" means any physical injury that seriously impairs a person's health or physical well-being, including, but not limited to, any brain damage, a skull or bone fracture, a subdural hemorrhage or hematoma, a dislocation or sprain, any internal injury, poisoning, a burn or scald, or a severe cut.

Enacting section 1. This amendatory act takes effect April 1, 2011.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

(a) House Bill No. 5576.

- (b) House Bill No. 5577.
- (c) House Bill No. 5578.
- (d) House Bill No. 5579.

Richard J. Brown

Clerk of the House of Representatives

Carol Morey Viventi

Secretary of the Senate

Approved

Governor