

Legislative Analysis



HUMAN TRAFFICKING COMMISSION

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House Bill 5158

Sponsor: Rep. Kurt Heise

Committee: Criminal Justice

Complete to 12-3-13

A SUMMARY OF HOUSE BILL 5158 AS INTRODUCED 11-14-13

The bill would create a 14-member Human Trafficking Commission and prescribe its duties.

House Bill 5158 would create the Human Trafficking Commission Act. The Commission would be created as an autonomous entity within the Department of Attorney General. All business performed by the Commission would have to be conducted at public meetings in compliance with the Open Meetings Act and writings prepared, owned, used, in the possession of, or retained by the Commission in the performance of an official function would be subject to the Freedom of Information Act.

Commission membership

The 14 members would include the following:

- The governor and the state attorney general, or their designees.
- The directors, or their designees, of the Departments of State Police, Human Services, Community Health, and Licensing and Regulatory Affairs.
- One individual appointed by the Senate Majority Leader and one by the Minority Leader.
- One individual appointed by the Speaker and one by the Minority Leader of the House of Representatives.
- One circuit court judge, one county prosecuting attorney, one police officer, and one individual representing the interests of those who advocate for or protect the interests of human trafficking victims – each appointed by the governor.

Members would serve four-year terms or until a successor is appointed, whichever is later. The first legislative and gubernatorial appointments would have to be made within 90 days after the bill's effective date. Members would serve without compensation, but could be reimbursed for actual and necessary expenses incurred in the performance of official Commission duties. The governor may remove a member for any good cause and also for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance. Vacancies would be filled by the appointing authority in the same manner as the original appointment.

The first meeting would have to be called within 180 days after the bill's effective date, at which the chairperson and other officers would be elected. Thereafter, the

Commission must meet at least quarterly, but could meet more frequently. A majority of the members would constitute a quorum, and a quorum must be present and serving to conduct official business.

Commission duties

The Commission would be required to do all of the following:

- ❖ Identify sources for grants to assist in examining and countering human trafficking in Michigan, and applying for those grants when appropriate.
- ❖ Fund research programs to determine the extent and nature of the problem in the state.
- ❖ Provide information and training regarding human trafficking to police officers, prosecutors, defense attorneys, court personnel, health care providers, social services personnel, and other individuals the Commission considers appropriate.
- ❖ Collect and analyze information regarding human trafficking in the state.
- ❖ Identify state and local agencies within Michigan and other states, and within the federal government, involved with issues relating to human trafficking, and coordinate the dissemination of information in this state to those agencies.
- ❖ Review existing services available to victims, including crime victim assistance, health care, and legal assistance, and establish a program to increase victim awareness of those programs.
- ❖ Establish a program to improve public awareness of human trafficking.
- ❖ Review existing state laws and administrative rules relating to human trafficking and make recommendations to the legislature to improve those laws and rules.
- ❖ File an annual report with the governor, Secretary of the Senate, and Clerk of the House regarding statutory activities. The report must be filed not later than February 1 of the year following the year for which the report is due.

FISCAL IMPACT:

The Department of Attorney General has estimated the costs of the Human Trafficking Commission under HB 5158 to be approximately \$100,000 annually, which would cover members' expenses, staff support, and the costs of fulfilling the responsibilities and duties of the commission.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.