

Legislative Analysis



HUMAN TRAFFICKING-RELATED REPORTING

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House Bill 5239

Sponsor: Rep. Kenneth Kurtz

House Bill 5241

Sponsor: Rep. John Kivela

Committee: Criminal Justice

Complete to 3-11-14

A SUMMARY OF HOUSE BILLS 5239 AND 5241 AS INTRODUCED 1-22-14

House Bill 5239 would require the Department of Human Services to report suspected or investigated cases of child abuse or neglect that indicate a violation of a human trafficking offense to a law enforcement agency.

House Bill 5241 would require registration as a sex offender for engaging the services of a prostitute or for knowingly recruiting, harboring, or transporting a minor knowing the minor will be used for sexually abusive activity.

Both bills are part of the larger package of legislation addressing the issue of human trafficking.

House Bill 5239 would amend the Child Protection Law (MCL 722.623). Michigan law contains various provisions designed to protect children from abuse and neglect. The Child Protection Law requires certain professionals, such as physicians, social workers, and teachers, to report to the Department of Human Services (DHS) if they have reasonable cause to suspect child abuse or neglect. When a report is made, Child Protective Services (CPS) workers are responsible for determining whether to investigate and, if various criteria are met, conducting an investigation or reporting to a law enforcement agency.

Currently, a copy of the allegation or written report and the results of any investigation must be transmitted by the DHS to a law enforcement agency in the county in which the incident occurred if the allegation, written report, or subsequent investigation indicated an offense involving the manufacture of methamphetamine; 2nd-, 3rd-, or 4th-degree child abuse; child sexually abusive activity or material; or criminal sexual conduct.

The bill would include a violation of the Human Trafficking Act in the list of offenses for which transmittal of the information must be made to a law enforcement agency.

House Bill 5241 would amend the Sex Offenders Registration Act (28.722) to include certain sex-related crimes in the list of offenses requiring a person to register as a sex offender.

A violation of Section 449a of the Michigan Penal Code would be added to the list of crimes constituting a Tier I offense. (A second offense of Section 449a, or any other Tier I offense, would be a Tier II offense. Section 449a prohibits engaging or offering to engage the services of a person for the purpose of prostitution, lewdness, or assignation for money or other forms of consideration.)

A violation of Section 462g of the Michigan Penal Code would be added to the list of crimes constituting a Tier II offense. [Section 462g prohibits a person from knowingly recruiting, enticing, harboring, transporting, providing, or obtaining by any means a minor knowing that the minor will be used for child sexually abusive activity, or the attempt to do any of these.]

The bill is tie-barred to House Bill 4209, meaning that it could not take effect unless both bills were enacted. House Bill 4209, which increases the penalties for several prostitution-related offenses, also increases the penalties for violations of Sec. 449a.

FISCAL IMPACT:

House Bill 5239 should have a negligible fiscal impact on state and local units of government.

House Bill 5241 appears not to have a significant fiscal impact on the Michigan State Police.

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