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Senate Bill 584 (as introduced 10-3-13)  
Sponsor: Senator Judy K. Emmons  
Committee: Families, Seniors and Human Services

*(Senate-passed version)*

Date Completed: 11-7-13

### **CONTENT**

**The bill would amend the Code of Criminal Procedure to allow an indictment to be filed at any time for the following crimes:**

- **Enticing away a female who is under 16 years old for purpose of prostitution, concubinage, sexual intercourse or marriage.**
- **Using or attempting to use a minor for sexually abusive activity.**
- **Engaging in activities that relate to subjecting a person to forced labor or services.**
- **Providing or obtaining labor or services by force, fraud, or coercion, or holding a person in involuntary servitude.**

The provision that the bill proposes would be named "Theresa Flores's Law".

The Code prescribes the time frame in which an indictment for a crime must be found and filed. This is commonly referred to as the "statute of limitations". Some crimes, such as murder or first-degree criminal sexual conduct, are not subject to a statute of limitation, meaning that an indictment can be found and filed at any time.

The bill would eliminate the statute of limitations for the crimes listed above. The current statute of limitations for each of those crimes is six years. Each crime is discussed in detail below.

#### **Enticing Away Female Under 16: MCL 750.13**

It is a felony to take or entice away any female under the age of 16 years, from her father, mother, guardian, or other person having the legal charge of her, without that person's consent, for the purpose of prostitution, concubinage, sexual intercourse, or marriage. A violation is punishable by imprisonment for up to 10 years.

#### **Use of a Minor for Sexually Abusive Activity: MCL 750.462g**

It is a felony to knowingly recruit, entice, harbor, transport, provide, or obtain by any means, or to attempt to recruit, entice, harbor, transport, provide, or obtain by any means, a minor knowing that the minor will be used for child sexually abusive activity. A violation is punishable by imprisonment for up to 20 years.

#### Forced Labor or Services: MCL 750.462h

It is a felony to knowingly recruit, entice, harbor, transport, provide, or obtain by any means, or to attempt to recruit, entice, harbor, transport, provide, or obtain by any means, another person, intending or knowing that the person will be subjected to forced labor or services.

Additionally, it is a felony to benefit financially or receive anything of value from participation in a venture that has engaged in one of the acts described above.

Both violations are punishable by imprisonment for up to 10 years. A sentence of up to 15 years applies if the offender caused another person injury in the course of the violation, and imprisonment for life or any term of years applies if the offender caused the death of another person.

#### Labor or Services by Force, Fraud, or Coercion: MCL 750.462j

It is a felony to do either of the following:

- Knowingly provide or obtain the labor or services of another person by force, fraud, or coercion.
- 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.

Punishment for a violation ranges from imprisonment for up to 10 years and a \$10,000 maximum fine, to imprisonment for up to life and a \$50,000 maximum fine, depending on the degree of the crime. Factors that enhance the sentence include forced labor of a minor, commercial sex acts, serious physical harm, and death. A court also may order an offender to pay restitution to the victim.

MCL 767.24

Legislative Analyst: Glenn Steffens

#### **FISCAL IMPACT**

The bill would have an indeterminate, but likely minor, fiscal impact on State and local government. The applicable statute of limitations for the crimes covered by the bill is six years after the offense is committed. The bill would move these sex trafficking-related offenses into a special category, along with murder, first-degree criminal sexual misconduct, explosives-related offenses, and terrorism, for which the statute of limitations is not applicable and the offenses can therefore be prosecuted at any time.

In 2012, the sections of the Michigan Penal Code that the bill would apply to, Sections 13, 462g, 462h, and 462j, resulted in only three felony dispositions. All three dispositions were for violations of Section 462h, which prohibits human trafficking by recruiting a person into forced labor, and in all three cases the offender served time in jail and on probation, but was not sentenced to prison. Because felony dispositions for such crimes are relatively infrequent, the impact of the bill on the costs of incarceration and/or community supervision would likely be small. There are no data to indicate how many additional offenders could be convicted if the statute of limitations were no longer applicable to these crimes.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.