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Senate Bill 590 (as enacted)
Sponsor: Senator John Proos
Senate Committee: Families, Seniors and Human Services
House Committee: Criminal Justice

PUBLIC ACT 339 of 2014

Date Completed: 2-6-15

CONTENT

The bill created the "Human Trafficking Victims Compensation Act" to provide that a person who violates Chapter 67A (Human Trafficking) of the Michigan Penal Code is liable to the victim for economic and noneconomic damages resulting from the violation.

The bill took effect on January 14, 2015, and was tie-barred to House Bill 5234 (Public Act 329 of 2014). (House Bill 5234 amended Chapter 67A of the Penal Code to revise various offenses and penalties.)

The Act specifies that a victim is entitled to damages to the extent he or she sustained the damages, regardless of whether the victim suffered any physical injury as a result of the violation. A victim also is entitled to damages regardless of whether the damages sustained were foreseeable to the violator, and regardless of whether the violator is charged with or convicted of a violation of Chapter 67A.

An action to recover damages must be filed within three years after the last violation that is the subject of the action occurred.

The Act does not affect any right that a victim has to recover damages under other law.

The damages for which a violator is liable include, but are not limited to, all of the following:

- Physical pain and suffering.
- Mental anguish.
- Fright and shock.
- Denial of social pleasure and enjoyment.
- Embarrassment, humiliation, or mortification.
- Disability.
- Disfigurement.
- Aggravation of a preexisting ailment or condition.
- Reasonable expenses of necessary medical or psychological care, treatment, and services.
- Loss of earnings or earning capacity.
- Damage to property.
- Any other necessary and reasonable expense incurred as a result of the violation.

MCL 752.981-752.985

BACKGROUND

As amended by House Bill 5234, Chapter 67A of the Michigan Penal Code prescribes felony penalties for various activities involving forced labor or services, including the following:

- Knowingly recruiting, enticing harboring, transporting, providing, or obtaining an individual for forced labor or services, or debt bondage.
- Recruiting, enticing, transporting, or obtaining by any means an individual, knowing that individual will be subjected to forced labor or services, or debt bondage.
- Knowingly benefiting financially or receiving anything of value from participation in an enterprise, if the enterprise has engaged in an act prohibited by Chapter 67A.
- Knowingly providing or obtaining the labor or services of another by force, fraud, or coercion.
- Recruiting, harboring, or transporting a person for labor or services for the purpose of holding him or her in involuntary servitude or debt bondage.
- Recruiting, enticing, harboring, transporting, providing, or obtaining a minor for commercial sexual activity, or forced labor or services.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill will have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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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.