

SUBSTITUTE FOR
HOUSE BILL NO. 5158

A bill to create the human trafficking commission act; to prescribe the membership of the human trafficking commission; and to prescribe the duties and responsibilities of the human trafficking commission.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "human
2 trafficking commission act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the human trafficking commission
5 established in section 3.

6 (b) "Human trafficking" means a violation of chapter LXVIIA of
7 the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462j.

1 Sec. 3. (1) The human trafficking commission is established
2 within the department of attorney general. The commission shall
3 include all of the following members:

4 (a) The governor or his or her designated representative from
5 within the office of the governor.

6 (b) The state attorney general or his or her designated
7 representative from within the department of attorney general.

8 (c) The director of the department of state police or his or
9 her designated representative from within the department of state
10 police.

11 (d) The director of the department of human services or his or
12 her designated representative from within the department of human
13 services.

14 (e) The director of the department of community health or his
15 or her designated representative from within the department of
16 community health.

17 (f) The director of the department of licensing and regulatory
18 affairs or his or her designated representative from within the
19 department of licensing and regulatory affairs.

20 (g) One individual appointed by the senate majority leader.

21 (h) One individual appointed by the senate minority leader.

22 (i) One individual appointed by the speaker of the house of
23 representatives.

24 (j) One individual appointed by the minority leader of the
25 house of representatives.

26 (k) One individual who is a circuit court judge who serves in
27 family court and who is appointed by the governor from a list of 3

1 individuals submitted by the Michigan judges association or its
2 successor organization. The individuals on the list submitted by
3 the Michigan judges association or its successor organization shall
4 be members of the Michigan judges association or its successor
5 organization.

6 (l) One individual who is a county prosecuting attorney and who
7 is appointed by the governor from a list of 3 individuals submitted
8 by the prosecuting attorneys association of Michigan or its
9 successor organization. The individuals on the list submitted by
10 the prosecuting attorneys association of Michigan or its successor
11 organization shall be members of the prosecuting attorneys
12 association of Michigan or its successor organization.

13 (m) One individual who represents the interests of law
14 enforcement and who is appointed by the governor from a list of 3
15 individuals submitted by the Michigan association of chiefs of
16 police or its successor organization. The individuals on the list
17 submitted by the Michigan association of chiefs of police or its
18 successor organization shall be members of the Michigan association
19 of chiefs of police or its successor organization.

20 (n) Two individuals who represent the interests of those who
21 advocate for or protect the interests of human trafficking victims
22 and who are appointed by the governor.

23 (2) The members first appointed to the board under subsection
24 (1)(g) to (n) shall be appointed within 90 days after the effective
25 date of this act.

26 (3) Members of the commission shall serve as follows:

27 (a) Members of the commission appointed under subsection

1 (1)(a) to (f) shall serve until a successor is appointed.

2 (b) Members of the commission appointed under subsection (1)
3 (g) to (n) shall serve for a term of 2 years or until a successor
4 is appointed, whichever is later.

5 (c) An individual appointed under subsection (1)(k) to (m)
6 shall serve only while he or she is a member of the organization
7 that submitted his or her name for membership on the commission.

8 (d) An individual may be reappointed for additional terms.

9 (4) If a vacancy occurs on the commission, the appointing
10 authority shall make an appointment for the unexpired term in the
11 same manner as the original appointment.

12 (5) The appointing authority may remove the member it
13 appointed to the commission for incompetence, dereliction of duty,
14 malfeasance, misfeasance, nonfeasance in office, or any other good
15 cause.

16 (6) The first meeting of the commission shall be called within
17 180 days after the effective date of this act. At the first
18 meeting, the commission shall elect from among its members a
19 chairperson and vice-chairperson and other officers as it considers
20 necessary or appropriate who shall serve for 1-year terms and who
21 may be reelected. After the first meeting, the commission shall
22 meet at least 4 times each year, or more frequently at the call of
23 the chairperson or as otherwise agreed upon in the bylaws.

24 (7) The commission shall adopt bylaws for the operation of the
25 commission. The bylaws shall, at a minimum, address the procedures
26 for conducting meetings, including voting procedures, and the
27 requirements of its members to attend meetings.

1 (8) A majority of the members of the commission appointed and
2 serving constitute a quorum for the transaction of business at a
3 meeting of the commission. A majority of the members present and
4 serving are required for the official action of the commission.

5 (9) The business that the commission may perform shall be
6 conducted at a public meeting of the commission held in compliance
7 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

8 However, members of the commission may attend and participate in a
9 meeting of the commission by the use of telecommunication or other
10 electronic equipment if their attendance and participation by the
11 use of telecommunication or other electronic equipment is
12 authorized by the bylaws of the commission and that meeting is
13 otherwise conducted in compliance with the open meetings act, 1976
14 PA 267, MCL 15.261 to 15.275.

15 (10) A writing prepared, owned, used, in the possession of, or
16 retained by the commission in the performance of an official
17 function is subject to the freedom of information act, 1976 PA 442,
18 MCL 15.231 to 15.246.

19 (11) Members of the commission shall serve without
20 compensation. However, members of the commission may be reimbursed
21 for their actual and necessary expenses incurred in the performance
22 of their official duties as members of the commission.

23 Sec. 4. The commission shall do all of the following subject
24 to funding:

25 (a) Identify sources for grants that will assist in examining
26 and countering human trafficking in this state, and apply for those
27 grants when appropriate.

1 (b) Fund research programs to determine the extent and nature
2 of human trafficking in this state.

3 (c) Provide information and training regarding human
4 trafficking to police officers, prosecutors, court personnel,
5 health care providers, social services personnel, and other
6 individuals the commission considers appropriate.

7 (d) Collect and analyze information regarding human
8 trafficking in this state.

9 (e) Identify state and local agencies within this state and
10 other states, as well as within the federal government, that are
11 involved with issues relating to human trafficking, and coordinate
12 the dissemination of information regarding human trafficking in
13 this state to those agencies.

14 (f) Review the existing services available to assist victims
15 of human trafficking, including crime victim assistance, health
16 care, and legal assistance, and establish a program to make those
17 victims better aware of the services that are available to them.

18 (g) Establish a program to improve public awareness of human
19 trafficking.

20 (h) Review existing state laws and administrative rules
21 relating to human trafficking and make recommendations to the
22 legislature to improve those laws and rules to address human
23 trafficking violations in this state.

24 (i) File an annual report with the governor, the secretary of
25 the senate, and the clerk of the house of representatives regarding
26 its activities under this act. The report shall be filed not later
27 than February 1 of the year following the year for which the report

1 is due.

2 Sec. 5. (1) The human trafficking commission fund is created
3 within the department of treasury. The fund shall be administered
4 by the department of attorney general.

5 (2) The state treasurer may receive money or other assets from
6 any source for deposit into the fund. The state treasurer shall
7 direct the investment of the fund. The state treasurer shall credit
8 to the fund interest and earnings from fund investments.

9 (3) Money in the human trafficking commission fund shall be
10 expended only upon appropriation and only in a manner to carry out
11 the purposes set forth in this act. Money in the fund at the close
12 of the fiscal year is considered a work project, shall remain in
13 the fund, and shall not lapse to the general fund.