

SUBSTITUTE FOR
HOUSE BILL NO. 5234

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 156, 462a, 462b, 462c, 462d, 462e, 462f, 462g,
and 462h (MCL 750.156, 750.462a, 750.462b, 750.462c, 750.462d,
750.462e, 750.462f, 750.462g, and 750.462h), sections 462a, 462b,
462c, 462d, 462e, 462f, 462g, and 462h as added by 2006 PA 162; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 156. (1) ~~Exemptions~~ ~~The provisions of this~~ **THIS** chapter
2 ~~shall~~ **DOES** not apply to agricultural products or ~~live stock~~
3 **LIVESTOCK** while in the hands of the producer or raiser ~~, nor~~ **OR** to
4 the services of laborers or artisans who are formed into societies
5 or organizations for the benefit and protection of their members.

1 (2) THIS CHAPTER DOES NOT APPLY TO CONSPIRACY COMMITTED UNDER
2 CHAPTER LXVIIA.

3 Sec. 462a. As used in this chapter:

4 (a) ~~"Child sexually abusive activity" means that phrase as~~
5 ~~defined in section 145c.~~ "BODILY INJURY" MEANS ANY PHYSICAL INJURY.

6 (b) "COERCION" INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE
7 FOLLOWING:

8 (i) THREATENING TO HARM OR PHYSICALLY RESTRAIN ANY INDIVIDUAL
9 OR THE CREATION OF ANY SCHEME, PLAN, OR PATTERN INTENDED TO CAUSE
10 AN INDIVIDUAL TO BELIEVE THAT FAILURE TO PERFORM AN ACT WOULD
11 RESULT IN PSYCHOLOGICAL, REPUTATIONAL, OR FINANCIAL HARM TO, OR
12 PHYSICAL RESTRAINT OF, ANY INDIVIDUAL.

13 (ii) ABUSING OR THREATENING ABUSE OF THE LEGAL SYSTEM,
14 INCLUDING THREATS OF ARREST OR DEPORTATION WITHOUT REGARD TO
15 WHETHER THE INDIVIDUAL BEING THREATENED IS SUBJECT TO ARREST OR
16 DEPORTATION UNDER THE LAWS OF THIS STATE OR THE UNITED STATES.

17 (iii) KNOWINGLY DESTROYING, CONCEALING, REMOVING, CONFISCATING,
18 OR POSSESSING ANY ACTUAL OR PURPORTED PASSPORT OR OTHER IMMIGRATION
19 DOCUMENT OR ANY OTHER ACTUAL OR PURPORTED GOVERNMENT IDENTIFICATION
20 DOCUMENT FROM ANY INDIVIDUAL WITHOUT REGARD TO WHETHER THE
21 DOCUMENTS ARE FRAUDULENT OR FRAUDULENTLY OBTAINED.

22 (c) ~~(b)~~ "Commercial sexual activity" means 1 or more of the
23 following FOR WHICH ANYTHING OF VALUE IS GIVEN OR RECEIVED BY ANY
24 PERSON:

25 (i) An act of sexual penetration or sexual contact as those
26 terms are defined in section 520a. ~~for which anything of value is~~
27 ~~given or received by any person.~~

(ii) Any conduct prohibited under section ~~145e(2) or (3)~~.145C.

(iii) ANY SEXUALLY EXPLICIT PERFORMANCE AS THAT TERM IS DEFINED
IN SECTION 3 OF 1978 PA 33, MCL 722.673.

~~(c) "Extortion" means conduct prohibited under section 213,
including, but not limited to, a threat to expose any secret
tending to subject a person to hatred, contempt, or ridicule.~~

(D) "DEBT BONDAGE" INCLUDES, BUT IS NOT LIMITED TO, THE STATUS
OR CONDITION OF A DEBT ARISING FROM A PLEDGE BY THE DEBTOR OF HIS
OR HER PERSONAL SERVICES OR THOSE OF AN INDIVIDUAL UNDER HIS OR HER
CONTROL AS A SECURITY FOR A DEBT, IF THE VALUE OF THOSE SERVICES AS
REASONABLY ASSESSED IS NOT APPLIED TOWARD THE LIQUIDATION OF THE
DEBT OR THE LENGTH AND NATURE OF THOSE SERVICES ARE NOT
SPECIFICALLY LIMITED AND DEFINED.

(E) ~~(d)~~ "Financial harm" means any of the following:

(i) Conduct prohibited under section 1 of 1968 PA 259, MCL
438.41.

(ii) Extortion.

(iii) Employment contracts that violate 1978 PA 390, MCL 408.471
to 408.490.

(iv) Any other adverse financial consequence.

(F) "FORCE" INCLUDES, BUT IS NOT LIMITED TO, PHYSICAL VIOLENCE
OR THREAT OF PHYSICAL VIOLENCE OR ACTUAL PHYSICAL RESTRAINT OR
CONFINEMENT OR THREAT OF ACTUAL PHYSICAL RESTRAINT OR CONFINEMENT
WITHOUT REGARD TO WHETHER INJURY OCCURS.

(G) ~~(e)~~ "Forced labor or services" means labor or services
that are obtained or maintained through 1 or more of the following:

~~(i) Causing or threatening to cause serious physical harm to~~

another person.

~~(ii) Physically restraining or threatening to physically restrain another person.~~

~~(iii) Abusing or threatening to abuse the law or legal process.~~

~~(iv) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person.~~

~~(v) Blackmail.~~

~~(vi) Causing or threatening to cause financial harm to any person.~~ **BY FORCE, FRAUD, OR COERCION.**

(H) "FRAUD" INCLUDES, BUT IS NOT LIMITED TO, A FALSE OR DECEPTIVE OFFER OF EMPLOYMENT OR MARRIAGE.

(I) ~~(f)~~ "Labor" means work of economic or financial value.

~~(g) "Maintain" means, in relation to labor or services, to secure continued performance of labor or services, regardless of any initial agreement on the part of the victim to perform the labor or services.~~

(J) ~~(h)~~ "Minor" means ~~a person~~ **AN INDIVIDUAL** under 18 years of age.

~~(i) "Obtain" means to secure performance of labor or services.~~

(K) "SERIOUS BODILY INJURY" MEANS ANY PHYSICAL INJURY REQUIRING MEDICAL TREATMENT, REGARDLESS OF WHETHER THE VICTIM SEEKS MEDICAL TREATMENT.

(I) ~~(j)~~ "Services" means an ongoing relationship between a person and ~~another person~~ **AN INDIVIDUAL** in which the ~~other person~~ **INDIVIDUAL** performs activities under the supervision of or for the

benefit of the person, including, but not limited to, commercial sexual activity and sexually explicit performances.

~~Sec. 462b. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by causing or threatening to cause physical harm to another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.~~

~~—— (2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.~~

~~—— (3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.~~ **A PERSON SHALL NOT KNOWINGLY RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN AN INDIVIDUAL FOR FORCED LABOR OR SERVICES.**

~~Sec. 462c. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by physically restraining or threatening to physically restrain another person. Except as provided in subsections (2) and (3), a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years.~~

~~—— (2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.~~

~~—— (3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for~~

~~life or any term of years.~~ A PERSON SHALL NOT KNOWINGLY RECRUIT,
ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN AN INDIVIDUAL FOR THE
PURPOSE OF HOLDING THE INDIVIDUAL IN DEBT BONDAGE.

Sec. 462d. ~~(1) A person shall not knowingly subject or attempt
to subject another person to forced labor or services by abusing or
threatening to abuse the law or legal process. Except as provided
in subsections (2) and (3), a person who violates this section is
guilty of a felony punishable by imprisonment for not more than 10
years.~~

~~—— (2) If in the violation of subsection (1) the person causes
another person injury, the person is guilty of a felony punishable
by imprisonment for not more than 15 years.~~

~~—— (3) If in the violation of subsection (1) the person causes
the death of another person, the person shall be imprisoned for
life or any term of years.~~ A PERSON SHALL NOT DO EITHER OF THE
FOLLOWING:

(A) KNOWINGLY RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR
OBTAIN AN INDIVIDUAL BY ANY MEANS, KNOWING THAT INDIVIDUAL WILL BE
SUBJECTED TO FORCED LABOR OR SERVICES OR DEBT BONDAGE.

(B) KNOWINGLY BENEFIT FINANCIALLY OR RECEIVE ANYTHING OF VALUE
FROM PARTICIPATION IN AN ENTERPRISE, AS THAT TERM IS DEFINED IN
SECTION 159F, IF THE ENTERPRISE HAS ENGAGED IN AN ACT PROSCRIBED
UNDER THIS CHAPTER.

Sec. 462e. ~~(1) A person shall not knowingly subject or attempt
to subject another person to forced labor or services by knowingly
destroying, concealing, removing, confiscating, or possessing an
actual or purported passport or other immigration document, or any~~

~~other actual or purported government identification document, of another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.~~

~~—— (2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.~~

~~—— (3) If in the violation of subsection (1) the person causes the death of another person, the person shall be imprisoned for life or any term of years.~~

A PERSON SHALL NOT DO ANY OF THE FOLLOWING, REGARDLESS OF WHETHER THE PERSON KNOWS THE AGE OF THE MINOR:

(A) RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN BY ANY MEANS A MINOR FOR COMMERCIAL SEXUAL ACTIVITY.

(B) RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR OBTAIN BY ANY MEANS A MINOR FOR FORCED LABOR OR SERVICES.

~~Sec. 462f. (1) A person shall not knowingly subject or attempt to subject another person to forced labor or services by using blackmail, using or threatening to cause financial harm to, or exerting or threatening to exert financial control over another person. Except as provided in subsections (2) and (3), a person who violates this section is guilty of a felony punishable by imprisonment for not more than 10 years.~~

~~—— (2) If in the violation of subsection (1) the person causes another person injury, the person is guilty of a felony punishable by imprisonment for not more than 15 years.~~

~~—— (3) If in the violation of subsection (1) the person causes~~

~~the death of another person, the person shall be imprisoned for life or any term of years.~~

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO VIOLATES SECTION 462B, 462C, OR 462D IS GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B), (C), AND (D), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

(B) IF THE VIOLATION RESULTS IN BODILY INJURY TO AN INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$15,000.00, OR BOTH.

(C) IF THE VIOLATION RESULTS IN SERIOUS BODILY INJURY TO AN INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

(D) IF THE VIOLATION INVOLVES KIDNAPPING OR ATTEMPTED KIDNAPPING, CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE OR ATTEMPTED CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, OR AN ATTEMPT TO KILL OR THE DEATH OF AN INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR LIFE OR ANY TERM OF YEARS OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO VIOLATES SECTION 462E IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

(3) A PERSON WHO ATTEMPTS, CONSPIRES, OR SOLICITS ANOTHER TO

1 VIOLATE THIS CHAPTER IS SUBJECT TO THE SAME PENALTY AS A PERSON WHO
2 COMMITS A VIOLATION OF THIS CHAPTER.

3 (4) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
4 WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF LAW
5 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
6 SECTION.

7 (5) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR
8 VIOLATING THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF
9 IMPRISONMENT IMPOSED FOR THE COMMISSION OF ANY OTHER CRIME,
10 INCLUDING ANY OTHER VIOLATION OF LAW ARISING OUT OF THE SAME
11 TRANSACTION AS THE VIOLATION OF THIS SECTION.

12 (6) IN ADDITION TO ANY MANDATORY RESTITUTION APPLICABLE UNDER
13 SECTION 16 OF THE WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS
14 ACT, 1985 PA 87, MCL 780.766, THE COURT MAY ORDER A PERSON
15 CONVICTED OF VIOLATING THIS SECTION TO PAY RESTITUTION TO THE
16 VICTIM IN THE MANNER PROVIDED IN SECTION 16B OF THE WILLIAM VAN
17 REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.766B,
18 AND TO REIMBURSE ANY GOVERNMENTAL ENTITY FOR ITS EXPENSES INCURRED
19 IN RELATION TO THE VIOLATION IN THE SAME MANNER THAT EXPENSES MAY
20 BE ORDERED TO BE REIMBURSED UNDER SECTION 1F OF CHAPTER IX OF THE
21 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 769.1F.

22 Sec. 462g. ~~A person shall not knowingly recruit, entice,~~
23 ~~harbor, transport, provide, or obtain by any means, or attempt to~~
24 ~~recruit, entice, harbor, provide, or obtain by any means, a minor~~
25 ~~knowing that the minor will be used for child sexually abusive~~
26 ~~activity. A person who violates this section is guilty of a felony~~
27 ~~punishable by imprisonment for not more than 20 years.~~ **THE TESTIMONY**

1 OF A VICTIM IS NOT REQUIRED IN A PROSECUTION UNDER THIS CHAPTER.
2 HOWEVER, IF A VICTIM TESTIFIES, THAT TESTIMONY NEED NOT BE
3 CORROBORATED.

4 Sec. 462h. ~~(1) A person shall not knowingly do 1 or both of~~
5 ~~the following:~~

6 ~~—— (a) Recruit, entice, harbor, transport, provide, or obtain by~~
7 ~~any means, or attempt to recruit, entice, harbor, transport,~~
8 ~~provide, or obtain by any means, another person, intending or~~
9 ~~knowing that the person will be subjected to forced labor or~~
10 ~~services.~~

11 ~~—— (b) Benefit financially or receive anything of value from~~
12 ~~participation in a venture that has engaged in an act described in~~
13 ~~this chapter.~~

14 ~~—— (2) Except as provided in subsections (3) and (4), a person~~
15 ~~who violates subsection (1) is guilty of a felony punishable by~~
16 ~~imprisonment for not more than 10 years.~~

17 ~~—— (3) If in the violation of subsection (1) the person causes~~
18 ~~another person injury, the person is guilty of a felony punishable~~
19 ~~by imprisonment for not more than 15 years.~~

20 ~~—— (4) If in the violation of subsection (1) the person causes~~
21 ~~the death of another person, the person shall be imprisoned for~~
22 ~~life or any term of years.~~ IN A PROSECUTION UNDER THIS CHAPTER, THE

23 VICTIM'S RESISTANCE OR LACK OF RESISTANCE TO THE ACTOR IS NOT
24 RELEVANT.

25 Enacting section 1. Sections 462i and 462j of the Michigan
26 penal code, 1931 PA 328, MCL 750.462i and 750.462j, are repealed.

27 Enacting section 2. This amendatory act takes effect 90 days

1 after the date it is enacted into law.