

HOUSE BILL No. 5234

January 22, 2014, Introduced by Reps. Jenkins, Heise, Haines, Lamonte, Hovey-Wright, LaVoy, Lauwers, Price, Rogers, Slavens, Darany, Singh, Brinks, Haveman, Kowall, Zorn, Cavanagh, O'Brien, Barnett, Driskell, Haugh, Roberts, Brown, Banks, Lyons, Kivela, Tlaib, McCready, Irwin and Lane and referred to the Committee on Criminal Justice.

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.

6 (2) **THIS CHAPTER DOES NOT APPLY TO CONSPIRACY COMMITTED UNDER**
7 **CHAPTER LXVIIA.**

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

2 (a) ~~"Child sexually abusive activity" means that phrase as~~
3 ~~defined in section 145e.~~ **"BODILY INJURY" MEANS ANY PHYSICAL INJURY.**

4 (b) **"COERCION" INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE**
5 **FOLLOWING:**

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

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

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

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

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

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

27 (iii) **ANY SEXUALLY EXPLICIT PERFORMANCE AS THAT TERM IS DEFINED**

1 IN SECTION 3 OF 1978 PA 33, MCL 722.673.

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

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

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

13 (i) Conduct prohibited under section 1 of 1968 PA 259, MCL
14 438.41.

15 (ii) Extortion.

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

18 (iv) Any other adverse financial consequence.

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

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

24 ~~—— (i) Causing or threatening to cause serious physical harm to~~
25 ~~another person.~~

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

~~1 (iii) Abusing or threatening to abuse the law or legal process.~~

~~2 (iv) Knowingly destroying, concealing, removing, confiscating,
3 or possessing any actual or purported passport or other immigration
4 document, or any other actual or purported government
5 identification document, of another person.~~

~~6 (v) Blackmail.~~

~~7 (vi) Causing or threatening to cause financial harm to any
8 person.~~ **BY FORCE, FRAUD, OR COERCION.**

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

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

~~12 (g) "Maintain" means, in relation to labor or services, to
13 secure continued performance of labor or services, regardless of
14 any initial agreement on the part of the victim to perform the
15 labor or services.~~

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

~~18 (i) "Obtain" means to secure performance of labor or services.~~

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

**(L) ~~(j)~~ "Services" means an ongoing relationship between a
23 person and another person** **AN INDIVIDUAL** **in which the other person
24 INDIVIDUAL performs activities under the supervision of or for the
25 benefit of the person, including, but not limited to, commercial
26 sexual activity and sexually explicit performances.**

27 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.**

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

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

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

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

17 (B) KNOWINGLY RECRUIT, ENTICE, HARBOR, TRANSPORT, PROVIDE, OR
18 OBTAIN A MINOR BY ANY MEANS, KNOWING THAT THE MINOR WILL BE
19 SUBJECTED TO COMMERCIAL SEXUAL ACTIVITY, REGARDLESS OF WHETHER THE
20 PERSON KNOWS THE AGE OF THE MINOR.

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

25 Sec. 462e. ~~(1) A person shall not knowingly subject or attempt~~
26 ~~to subject another person to forced labor or services by knowingly~~
27 ~~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.~~

~~1 (3) If in the violation of subsection (1) the person causes~~
~~2 the death of another person, the person shall be imprisoned for~~
~~3 life or any term of years.~~

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

7 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE PERSON
8 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
9 10 YEARS OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

10 (B) IF THE VIOLATION RESULTS IN BODILY INJURY TO AN
11 INDIVIDUAL, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY
12 IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN
13 \$15,000.00, OR BOTH.

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

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

24 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO
25 VIOLATES SECTION 462E IS GUILTY OF A FELONY PUNISHABLE BY
26 IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN
27 \$20,000.00, OR BOTH.

1 (3) A PERSON WHO ATTEMPTS, CONSPIRES, OR SOLICITS ANOTHER TO
2 VIOLATE THIS CHAPTER IS SUBJECT TO THE SAME PENALTY AS A PERSON WHO
3 COMMITS A VIOLATION OF THIS CHAPTER.

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

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

13 (6) IN ADDITION TO ANY MANDATORY RESTITUTION APPLICABLE UNDER
14 SECTION 16 OF THE WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS
15 ACT, 1985 PA 87, MCL 780.766, THE COURT MAY ORDER A PERSON
16 CONVICTED OF VIOLATING THIS SECTION TO PAY RESTITUTION TO THE
17 VICTIM IN THE MANNER PROVIDED IN SECTION 16B OF THE WILLIAM VAN
18 REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.766B,
19 AND TO REIMBURSE ANY GOVERNMENTAL ENTITY FOR ITS EXPENSES INCURRED
20 AS A RESULT OF THE VIOLATION IN THE MANNER PROVIDED IN SECTION 1F
21 OF CHAPTER IX OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
22 769.1F.

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

~~punishable by imprisonment for not more than 20 years.~~**THE TESTIMONY**
OF A VICTIM NEED NOT BE CORROBORATED IN A PROSECUTION UNDER THIS
CHAPTER.

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

~~—— (a) Recruit, entice, harbor, transport, provide, or obtain by~~
~~any means, or 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.~~

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

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

~~—— (3) 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.~~

~~—— (4) 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.~~**IN A PROSECUTION UNDER THIS CHAPTER, THE**
VICTIM'S RESISTANCE OR LACK OF RESISTANCE TO THE ACTOR IS NOT
RELEVANT.

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