

Act No. 325
Public Acts of 2014
Approved by the Governor
October 16, 2014
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**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Reps. Heise, Kowall, Slavens, Hovey-Wright, Haveman, Tlaib, Haugh, Zorn, Roberts, Franz, Cavanagh, Graves, Kandrevas, Kivela, Brown, O'Brien, Lamonte, Kosowski, Hooker, Abed, Barnett, Brinks, Brunner, Clemente, Cochran, Cotter, Crawford, Daley, Darany, Denby, Dianda, Driskell, Durhal, Faris, Farrington, Forlini, Geiss, Goike, Greimel, Haines, Hobbs, Howrylak, Irwin, Jenkins, Kesto, Knezek, Kurtz, Lauwers, LaVoy, Lipton, Lori, Lund, Lyons, MacGregor, MacMaster, McCann, McCreedy, Muxlow, Oakes, Outman, Pagel, Phelps, Poleski, Potvin, Pscholka, Rendon, Robinson, Santana, Schmidt, Schor, Segal, Shirkey, Singh, Smiley, Somerville, Stallworth, Stanley, Talabi, Townsend, VerHeulen, Victory, Walsh, Yonker and Zemke

ENROLLED HOUSE BILL No. 5158

AN ACT 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:

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

Sec. 2. As used in this act:

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

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

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

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

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

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

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

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

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

(g) Two individuals appointed by the governor from a list of individuals submitted by the senate majority leader.

(h) Two individuals appointed by the governor from a list of individuals submitted by the speaker of the house of representatives.

(i) One individual who is a circuit court judge who serves in family court and who is appointed by the governor from a list of 3 individuals submitted by the Michigan judges association or its successor organization. The individuals on the list submitted by the Michigan judges association or its successor organization shall be members of the Michigan judges association or its successor organization.

(j) One individual who is a county prosecuting attorney and who is appointed by the governor from a list of 3 individuals submitted by the prosecuting attorneys association of Michigan or its successor organization. The individuals on the list submitted by the prosecuting attorneys association of Michigan or its successor organization shall be members of the prosecuting attorneys association of Michigan or its successor organization.

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

(l) Two individuals who have survived human trafficking and who are appointed by the governor.

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

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

(a) Members of the commission appointed under subsection (1)(a) to (f) shall serve until a successor is appointed.

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

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

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

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

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

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

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

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

(9) The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. However, members of the commission may attend and participate in a meeting of the commission by the use of telecommunication or other electronic equipment if their attendance and participation by the use of telecommunication or other electronic equipment is authorized by the bylaws of the commission and that meeting is otherwise conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This act does not take effect unless all of the following bills of the 97th Legislature are enacted into law:

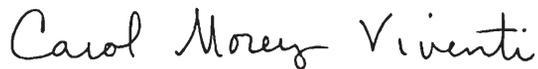
(a) Senate Bill No. 596.

(b) House Bill No. 5234.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor