

Act No. 329
Public Acts of 2014
Approved by the Governor
October 15, 2014
Filed with the Secretary of State
October 16, 2014
EFFECTIVE DATE: January 14, 2015

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 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

ENROLLED HOUSE BILL No. 5234

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," 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:

Sec. 156. (1) This chapter does not apply to agricultural products or livestock while in the hands of the producer or raiser or to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members.

(2) This chapter does not apply to conspiracy committed under chapter LXVIIA.

Sec. 462a. As used in this chapter:

(a) "Bodily injury" means any physical injury.

(b) "Coercion" includes, but is not limited to, any of the following:

(i) Threatening to harm or physically restrain any individual or the creation of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in psychological, reputational, or financial harm to, or physical restraint of, any individual.

(ii) Abusing or threatening abuse of the legal system, including threats of arrest or deportation without regard to whether the individual being threatened is subject to arrest or deportation under the laws of this state or the United States.

(iii) 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 from any individual without regard to whether the documents are fraudulent or fraudulently obtained.

(c) "Commercial sexual activity" means 1 or more of the following for which anything of value is given or received by any person:

(i) An act of sexual penetration or sexual contact as those terms are defined in section 520a.

(ii) Any conduct prohibited under section 145c.

(iii) Any sexually explicit performance as that term is defined in section 3 of 1978 PA 33, MCL 722.673.

(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) "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) "Forced labor or services" means labor or services that are obtained or maintained by force, fraud, or coercion.

(h) "Fraud" includes, but is not limited to, a false or deceptive offer of employment or marriage.

(i) "Labor" means work of economic or financial value.

(j) "Minor" means an individual under 18 years of age.

(k) "Serious bodily injury" means any physical injury requiring medical treatment, regardless of whether the victim seeks medical treatment.

(l) "Services" means an ongoing relationship between a person and an individual in which the 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. A person shall not knowingly recruit, entice, harbor, transport, provide, or obtain an individual for forced labor or services.

Sec. 462c. 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. 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. 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) 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 violate this chapter is subject to the same penalty as a person who commits a violation of this chapter.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(5) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for the commission of any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

(6) In addition to any mandatory restitution applicable under section 16 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766, the court may order a person convicted of violating this section to pay restitution to the victim in the manner provided in section 16b of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766b, and to reimburse any governmental entity for its expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under section 1f of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1f.

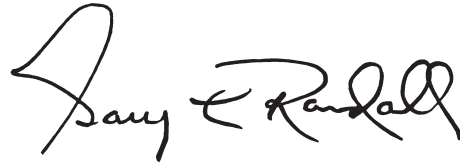
Sec. 462g. The testimony of a victim is not required in a prosecution under this chapter. However, if a victim testifies, that testimony need not be corroborated.

Sec. 462h. 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.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor