

HUMAN TRAFFICKING NOTIFICATION ACT

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<http://www.house.mi.gov/hfa>

House Bill 5107 as introduced
Sponsor: Rep. Kurt Heise
Committee: Criminal Justice
Complete to 1-25-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill creates a new act to require a human trafficking notice to be posted in all state rest stops and welcome facilities, public bus or rail stations, adult entertainment establishments, and on property found to constitute a public nuisance due to prostitution or human trafficking, and to allow the Department of Licensing and Regulatory Affairs (LARA) to impose administrative fines for noncompliance of the posting requirement.

House Bill 5107 creates the Human Trafficking Notification Act. The bill would take effect 90 days after enactment. A detailed description follows.

Affected entities. The following entities must post a human trafficking notice:

- The Department of Transportation on the premises of each rest stop and welcome facility in the state.
- Each local unit of government that operates a rest stop or welcome facility on the premises of that rest stop or welcome facility.
- Each local unit of government that provides bus or rail transportation services to the public on the premises of any facility providing bus or rail services.
- Any entity owning property that has been found by a court to constitute a public nuisance due to acts of prostitution or human trafficking being conducted on the property or arising out of the ownership or use of the property—on that property.
- An adult entertainment establishment (defined to mean an establishment that holds a topless activity permit under the Michigan Liquor Control Code or any other retail establishment in which performers disrobe or perform in an unclothed state for entertainment)—on the premises of the establishment.

Notice requirements. The notice must be posted in a conspicuous manner clearly visible to the public and employees within each facility operated by an entity described above that is open to use by the public. Further, the notice must meet the following specifications:

- Be of a design and style to provide proper notice.
- Be no smaller than 8-1/2 inches by 11 inches and contain the following notice in boldfaced type of not less than a 14-point font determined appropriate by LARA:
 - "If you or someone you know is being forced to engage in any activity and cannot leave, whether the activity is commercial sex, housework, farm work, or any other activity, please contact the National Human Trafficking Resource Center hotline at 1-888-373-7888 or text 233733 to access help

and services. The victims of human trafficking are protected under U.S. laws and the laws of this state."

- Be of durable construction.
- Be posted in both English and Spanish and in any other language determined appropriate by LARA. LARA could require the posting of other languages in specified areas of the state due to the languages used in those areas.

Department responsibilities. Lara would have to post a sample of the notice described above on its website so to be available for downloading. LARA could promulgate rules to implement the act. Further, LARA must provide each affected entity with written notice of the new act's requirements.

Appropriations by Legislature. The new act would not apply unless the Legislature appropriated sufficient funds to allow LARA to carry out its required duties.

Penalties for noncompliance. If LARA determined that an affected entity has failed to comply with the notification requirements, LARA must notify the entity that it is in violation of the act and provide the entity with 48 hours to come into compliance.

If the entity is subsequently notified a second time of a failure to comply within one year of the previous notification, the entity could be fined not more than \$250. Upon notification a third time of a failure to comply, the entity could be fined not more than \$500. (Presumably, a fine imposed under the new act would be an administrative fine issued by LARA.)

FISCAL IMPACT:

House Bill 5107, as introduced, would have a fiscal impact, although likely nominal, on the Department of Licensing and Regulatory Affairs (LARA) to the extent that LARA would be required to develop the human trafficking notice and determine noncompliance with the bill's requirements and notify and collect fines from noncompliant entities. The bill does not explicitly specify where fine revenue would be deposited; however, Section 443 of The Management and Budget Act stipulates that, "except as otherwise provided by law, all money received by [LARA] shall be...credited to the state General Fund."

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.