

# Legislative Analysis

---



## PROHIBIT SELLING OF TRAVEL SERVICES FOR PURPOSE OF PROSTITUTION OR HUMAN TRAFFICKING

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5838 as introduced**  
**Sponsor: Rep. Tom Barrett**

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

**House Bill 5839 as introduced**  
**Sponsor: Rep. Jason M. Sheppard**

**Committee: Criminal Justice**  
**Complete to 9-12-16**

### SUMMARY:

The bill package would create a new crime category of *knowingly selling, or offering to sell, travel services for purposes relating to prostitution or human trafficking*. In addition, House Bill 5838 will allow a court to order a fine for the crime of transporting a person with the intent to compel that person to become a prostitute.

The bills take effect 90 days after enactment.

Specifically, House Bill 5838 amends the Michigan Penal Code to create a new crime category regarding prostitution (MCL 750.459). Under the bill, a person could not knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in what would be a violation of Chapter LXVII (Prostitution), or a violation of Chapter LXVIIA (Human Trafficking), if the violation occurred in Michigan. "Travel services" is defined to mean transportation by air, sea, or ground; hotel or other lodging accommodations; package tours; or the provisions of vouchers or coupons to be redeemed for future travel. The term also includes accommodations for a fee, commission, or other valuable consideration.

If the conduct were against an adult, a violation of this new crime would be a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$10,000. Conduct against a minor would also be a felony, but punishable by imprisonment for not more than 10 years and/or a fine of not more than \$15,000.

Currently, transporting, or aiding or abetting transporting, any person for the purpose of prostitution or to induce or compel that person into prostitution is a felony punishable by a maximum term of imprisonment of up to 20 years. The bill will allow a court to impose a fine of not more than \$20,000 either instead of, or in addition to, any term of imprisonment.

House Bill 5839 amends the Code of Criminal Procedure to place the penalty for the new crime within the sentencing guidelines (MCL 777.16w). The bill specifies that selling travel services to facilitate prostitution or human trafficking in other jurisdictions is a Class E felony against a person with a five-year maximum term of imprisonment. Conduct

involving a minor would be a Class D felony against a person with a ten-year maximum term of imprisonment. The bill also revises a statutory reference for the crime of transporting a person for prostitution to incorporate the changes made to the numbering of subsections by House Bill 5838.

House Bill 5839 is tie-barred to House Bill 5838, meaning it cannot take effect unless House Bill 5838 is also signed into law.

**FISCAL IMPACT:**

HB 5838: The bill would have an indeterminate fiscal impact on the state's correctional system and on local court systems. New felony convictions would result in increased costs related to state prisons and state probation supervision. The average cost of prison incarceration in a state facility is roughly \$34,900 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision average about \$3,400 per supervised offender per year. The fiscal impact on local court systems would depend on how the provisions of the bill affected caseloads and related administrative costs. An increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

HB 5839: The bill amends sentencing guidelines and so does not have a direct fiscal impact on the state or on local units of government.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Robin Risko

---

■ 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.