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BILL



ANALYSIS

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House Bill 5107 (Substitute H-1 as passed by the House)
Sponsor: Representative Kurt Heise
House Committee: Criminal Justice
Senate Committee: Families, Seniors and Human Services

Date Completed: 3-16-16

CONTENT

The bill would create the "Human Trafficking Notification Act" to do the following:

- **Require the Department of Transportation to post a human trafficking notice at each rest stop and welcome facility in Michigan.**
- **Require a local unit of government to post a human trafficking notice at a rest stop or welcome facility it operated and on the premises of a facility it operated that provided bus or rail service.**
- **Require public airports, adult entertainment establishments, and the owners of property that had been found to constitute a public nuisance due to prostitution or human trafficking to post a human trafficking notice.**
- **Establish requirements for the content, format, and size of human trafficking notices.**
- **Require human trafficking notices to be posted in English and Spanish, and allow the Department of Licensing and Regulatory Affairs (LARA) to require them to be posted in other languages in certain areas of the State.**
- **Require LARA to post a sample human trafficking notice on its website.**
- **Provide for LARA to enforce the notice-posting requirements.**

The proposed Act would not apply unless sufficient funds were appropriated to LARA to allow it to carry out the duties required under the Act.

The bill would take effect 90 days after its enactment.

Posting of Notice

The Department of Transportation would be required to post a human trafficking notice on the premises of each rest stop and welcome facility in Michigan. Each local unit of government that operated a rest stop or welcome facility also would have to post a human trafficking notice on those premises, and each local unit that provided bus or rail transportation services to the public would have to post a human trafficking notice on the premises of any facility that provided those services.

In addition, each of the following would have to post a human trafficking notice on its premises:

- Any entity that owned property that had 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.

- An adult entertainment establishment.
- Public airports.

A human trafficking notice would have to be posted in a conspicuous manner clearly visible to the public and employees within each facility operated by an entity required to post the notice that was open to use by the public.

"Adult entertainment establishment" would mean either of the following:

- An adult entertainment establishment that holds a topless activity permit under the Michigan Liquor Control Code.
- Any other retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

Notice Requirements

A human trafficking notice would have to be of a design and style that provided proper notice under the proposed Act and be of durable construction. The notice would have to be no smaller than 8½ inches by 11 inches and contain the following statement in boldfaced type of at least 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.

Human trafficking notices would have to be posted in English and Spanish, as well as any other language LARA determined appropriate in consultation with the Attorney General. The Department could require the posting of other languages, in addition to English and Spanish, in specified areas of the State due to the languages used within those areas.

LARA Responsibilities

The Department of Licensing and Regulatory Affairs would be required to post on its website a sample of the required notice, which would have to be available for downloading. The Department would have to give written notification of the requirements of the proposed Act to each entity required to post a human trafficking notice.

If LARA determined that an entity required to post a human trafficking notice had failed to comply with that requirement, the Department would have to notify the entity that it was in violation of the proposed Act and give it 48 hours to come into compliance. If that entity were notified a second time of a failure to comply within one year of the previous notification, the entity could be fined up to \$250. If the same entity were notified a third time of its failure to comply within one year of the previous two notifications, the entity could be fined up to \$500.

The Department could promulgate rules to implement the proposed Act.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have a negative, but likely minor, fiscal impact on the Department of Licensing and Regulatory Affairs. The bill would introduce a number of new administrative costs to LARA, including those associated with the production and posting of human trafficking notices on its website, rule promulgation, and enforcement costs. Some of these costs could be offset by

fine revenue from establishments that did not comply with human trafficking notice posting requirements, but the bill is unclear as to what the disposition of the fine revenue would be.

The bill also would result in indeterminate, but likely nominal, increased expenses for the Department of Transportation and some local units of government. Affected local units of government would include those that operate rest stops or welcome facilities, and provide bus or rail transportation services. These expenses would relate to posting human trafficking notices as required under the bill.

Fiscal Analyst: Josh Sefton
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.