

HOUSE BILL No. 5103

December 1, 2015, Introduced by Reps. McCready, Graves, Glardon, Sheppard, Bizon, Kesto, Victory, Kelly, Canfield and LaFontaine and referred to the Committee on Criminal Justice.

A bill to prohibit aggressive solicitation; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "aggressive solicitation prohibition act".

3 Sec. 3. As used in this act:

4 (a) "Bank" means a state or nationally chartered bank or a
5 state or federally chartered savings and loan association, savings
6 bank, or credit union.

7 (b) "Public area" means an area that the public or a
8 substantial group of persons has access to and includes, but is not
9 limited to, alleys, bridges, buildings, driveways, parking lots,
10 parks, playgrounds, plazas, sidewalks and streets open to the
11 general public, and doorways and entrances to buildings and

1 dwellings.

2 (c) "Solicit" means using any means of communication,
3 including, but not limited to, spoken, written, or printed word, to
4 request a donation or exchange of money or any other thing of value
5 regardless of the purpose or intended use of the money or other
6 thing of value.

7 Sec. 5. A person shall not solicit another person under any of
8 the following circumstances:

9 (a) Within 15 feet of any entrance or exit to a bank if the
10 person soliciting does not have the permission of the bank to be on
11 the bank property.

12 (b) Within 15 feet of any automated teller machine if the
13 person soliciting does not have the permission of the owner of the
14 automated teller machine to be there.

15 (c) In a public area, by doing any of the following:

16 (i) Intentionally, knowingly, or recklessly making physical
17 contact with or touching another person without that person's
18 consent.

19 (ii) Approaching or following a person in a manner that is
20 intended or is likely to cause a reasonable person to fear imminent
21 apprehension of bodily harm.

22 (iii) Approaching or following a person in a manner that is
23 reasonably likely to intimidate a person into responding
24 affirmatively to the solicitation.

25 (iv) Continuing to solicit a person after the person being
26 solicited has communicated that he or she does not want to be
27 solicited.

1 (v) Intentionally, knowingly, or recklessly obstructing the
2 safe or free passage of a person being solicited or requiring a
3 person being solicited to take evasive action to avoid physical
4 contact with the person making the solicitation.

5 (vi) Intentionally, knowingly, or recklessly using obscene or
6 abusive language or gestures that are intended or likely to cause a
7 reasonable person to fear imminent apprehension of bodily harm.

8 (vii) Intentionally, knowingly, or recklessly using obscene or
9 abusive language or gestures that are reasonably likely to
10 intimidate a person into responding affirmatively to the
11 solicitation.

12 Sec. 7. A person who violates this act is responsible for a
13 state civil infraction and is subject to a fine of not more than
14 \$100.00.

15 Sec. 9. This act does not prohibit a person from being charged
16 with, convicted of, or punished for any other violation of law,
17 including a violation of law arising out of the same transaction as
18 the violation of this act.

19 Sec. 11. This act does not prohibit a county, city, township,
20 or village from adopting an ordinance or enforcing an existing
21 ordinance relating to aggressive solicitation.

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

24 Enacting section 2. This act does not take effect unless
25 Senate Bill No. ____ or House Bill No. 5104 (request no. 02780'15 a)
26 of the 98th Legislature is enacted into law.