

# Legislative Analysis

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## **HUMAN TRAFFICKING: EXPAND DEFINITION OF COERCION**

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

**House Bill 5438 as introduced**  
**Sponsor: Rep. Laura Cox**  
**Committee: Law and Justice**  
**Complete to 2-9-17**

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

### **SUMMARY:**

House Bill 5438 would amend Chapter LXVIIA of the Michigan Penal Code (Human Trafficking) to revise the definition of “coercion” to include facilitating or controlling an individual’s access to a controlled substance (as that term is defined in Section 7104 of the Public Health Code) other than for a legitimate medical purpose.

The human trafficking law makes it a crime to knowingly recruit, entice, harbor, transport, provide, or obtain an individual for forced labor or services. “Forced labor or services” is defined to mean labor or services that are obtained or maintained by force, fraud, or coercion.

Currently, “coercion” is defined in the human trafficking law to include, but not be limited to, any of the following:

- Threatening to harm or physically restrain any individual, or create a 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.
- Abusing or threatening abuse of the legal system (including threats of arrest or deportation regardless of whether the person being threatened is subject to arrest or deportation).
- Knowingly destroying, concealing, removing, confiscating, or possessing an actual or purported passport or other immigration document or government identification document from any individual regardless of whether the documents are fraudulent or fraudulently obtained.

The bill would take effect 90 days after being enacted.

MCL 750.462a

### **FISCAL IMPACT:**

By adding to the definition of coercion, under which individuals can be convicted of a felony, House Bill 5438 would have an indeterminate fiscal impact on the state and on local units of government. The number of persons who might be convicted under provisions of the bill is unknown, but new felony convictions would result in increased

costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affect caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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