

HOUSE BILL No. 5794

April 12, 2018, Introduced by Reps. Iden, Hauck, Greimel, Hoadley, Noble, Hornberger and Theis and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 145g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 145G. (1) A PERSON WHO PERSUADES, INDUCES, ENTICES,
2 COERCES, CAUSES, OR KNOWINGLY ALLOWS A CHILD TO ENGAGE IN A CHILD
3 SEXUALLY ABUSIVE ACTIVITY FOR THE PURPOSE OF PRODUCING MORE THAN
4 100 IMAGES OF CHILD SEXUALLY ABUSIVE MATERIAL, OR A PERSON WHO
5 ARRANGES FOR, PRODUCES, MAKES, COPIES, REPRODUCES, OR FINANCES, OR
6 A PERSON WHO ATTEMPTS OR PREPARES OR CONSPIRES TO ARRANGE FOR,
7 PRODUCE, MAKE, COPY, REPRODUCE, OR FINANCE ANY CHILD SEXUALLY
8 ABUSIVE ACTIVITY OR CHILD SEXUALLY ABUSIVE MATERIAL FOR THE PURPOSE
9 OF PRODUCING MORE THAN 100 IMAGES OF CHILD SEXUALLY ABUSIVE

1 MATERIAL FOR PERSONAL, DISTRIBUTIONAL, OR OTHER PURPOSES AND TO
2 WHICH ALL OF THE FOLLOWING APPLY IS GUILTY OF A FELONY PUNISHABLE
3 BY IMPRISONMENT FOR NOT MORE THAN 25 YEARS OR A FINE OF NOT MORE
4 THAN \$125,000.00, OR BOTH:

5 (A) THE CHILD SEXUALLY ABUSIVE MATERIAL DEPICTS A PREPUBESCENT
6 CHILD OR A CHILD WHO IS LESS THAN 12 YEARS OF AGE.

7 (B) THE CHILD SEXUALLY ABUSIVE MATERIAL DEPICTS
8 SADOMASOCHISTIC ABUSE OR BESTIALITY.

9 (C) THE PERSON KNOWS, HAS REASON TO KNOW, OR SHOULD REASONABLY
10 BE EXPECTED TO KNOW THAT THE CHILD IS A CHILD, THAT THE CHILD
11 SEXUALLY ABUSIVE MATERIAL INCLUDES A CHILD, OR THAT THE DEPICTION
12 CONSTITUTING THE CHILD SEXUALLY ABUSIVE MATERIAL APPEARS TO INCLUDE
13 A CHILD, OR THAT PERSON HAS NOT TAKEN REASONABLE PRECAUTIONS TO
14 DETERMINE THE AGE OF THE CHILD.

15 (2) A PERSON WHO DISTRIBUTES OR PROMOTES, OR FINANCES THE
16 DISTRIBUTION OR PROMOTION OF, OR RECEIVES FOR THE PURPOSE OF
17 DISTRIBUTING OR PROMOTING, OR CONSPIRES, ATTEMPTS, OR PREPARES TO
18 DISTRIBUTE, RECEIVE, FINANCE, OR PROMOTE MORE THAN 100 IMAGES OF
19 CHILD SEXUALLY ABUSIVE MATERIAL OR CHILD SEXUALLY ABUSIVE ACTIVITY
20 AND TO WHICH ALL OF THE FOLLOWING APPLY IS GUILTY OF A FELONY,
21 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF
22 NOT MORE THAN \$75,000.00, OR BOTH:

23 (A) THE CHILD SEXUALLY ABUSIVE MATERIAL DEPICTS A PREPUBESCENT
24 CHILD OR A CHILD WHO IS LESS THAN 12 YEARS OF AGE.

25 (B) THE CHILD SEXUALLY ABUSIVE MATERIAL DEPICTS
26 SADOMASOCHISTIC ABUSE OR BESTIALITY.

27 (C) THE PERSON KNOWS, HAS REASON TO KNOW, OR SHOULD REASONABLY

1 BE EXPECTED TO KNOW THAT THE CHILD IS A CHILD, THAT THE CHILD
2 SEXUALLY ABUSIVE MATERIAL INCLUDES A CHILD, OR THAT THE DEPICTION
3 CONSTITUTING THE CHILD SEXUALLY ABUSIVE MATERIAL APPEARS TO INCLUDE
4 A CHILD, OR THAT PERSON HAS NOT TAKEN REASONABLE PRECAUTIONS TO
5 DETERMINE THE AGE OF THE CHILD.

6 (3) AS USED IN THIS SECTION:

7 (A) "CHILD" MEANS THAT TERM AS DEFINED IN SECTION 145C.

8 (B) "CHILD SEXUALLY ABUSIVE ACTIVITY" MEANS THAT TERM AS
9 DEFINED IN SECTION 145C.

10 (C) "CHILD SEXUALLY ABUSIVE MATERIAL" MEANS THAT TERM AS
11 DEFINED IN SECTION 145C.

12 (D) "SADOMASOCHISTIC ABUSE" MEANS THAT TERM AS DEFINED IN
13 SECTION 145C.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.