

HOUSE BILL No. 6157

June 12, 2018, Introduced by Reps. Hoitenga, Sabo, Cochran, Chang, Griffin, Guerra, Brinks, Lasinski, Geiss, Greig, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 462f (MCL 750.462f), as amended by 2016 PA 338.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 462f. (1) Except as otherwise provided in this section, a
2 person who violates section 462b, 462c, or 462d is guilty of a
3 crime as follows:

4 (a) Except as provided in subdivisions (b), (c), and (d), the
5 person is guilty of a felony punishable by imprisonment for not
6 more than 10 years or a fine of not more than \$10,000.00, or both.

7 (b) If the violation results in bodily injury to an individual
8 or results in an individual being engaged in commercial sexual
9 activity, the person is guilty of a felony punishable by
10 imprisonment for not more than 15 years or a fine of not more than

1 \$15,000.00, or both.

2 (c) If the violation results in serious bodily injury to an
3 individual, the person is guilty of a felony punishable by
4 imprisonment for not more than 20 years or a fine of not more than
5 \$20,000.00, or both.

6 (d) If the violation involves kidnapping or attempted
7 kidnapping, criminal sexual conduct in the first degree or
8 attempted criminal sexual conduct in the first degree, or an
9 attempt to kill or the death of an individual, the person is guilty
10 of a felony punishable by imprisonment for life or any term of
11 years or a fine of not more than \$50,000.00, or both.

12 (2) Except as otherwise provided in this section, a person who
13 violates section 462e is guilty of a felony punishable by
14 imprisonment for not more than 20 years or a fine of not more than
15 \$20,000.00, or both.

16 (3) A person who attempts, conspires, or solicits another to
17 violate this chapter is subject to the same penalty as a person who
18 commits a violation of this chapter.

19 (4) This section does not prohibit a person from being charged
20 with, convicted of, or punished for any other violation of law
21 arising out of the same transaction as the violation of this
22 section.

23 (5) The court may order a term of imprisonment imposed for
24 violating this section to be served consecutively to a term of
25 imprisonment imposed for the commission of any other crime,
26 including any other violation of law arising out of the same
27 transaction as the violation of this section.

1 (6) In addition to any mandatory restitution applicable under
2 section 16 of the William Van Regenmorter crime victim's rights
3 act, 1985 PA 87, MCL 780.766, the court may order a person
4 convicted of violating this section to pay restitution to the
5 victim in the manner provided in section 16b of the William Van
6 Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766b,
7 and to reimburse any governmental entity for its expenses incurred
8 in relation to the violation in the same manner that expenses may
9 be ordered to be reimbursed under section 1f of chapter IX of the
10 code of criminal procedure, 1927 PA 175, MCL 769.1f.

11 **(7) IF A PERSON IS CONVICTED OF A VIOLATION OF SECTION 13, 90,**
12 **136, 145A, 145C(2) TO (4), 316(1)(B), 349, 449A, 452, 454, 455,**
13 **456, 457, 458, 459, 462, 462B, 462C, 462D, 462E, 520B, 520C, 520D,**
14 **520E, OR 520G, IN ADDITION TO ANY OTHER ASSESSMENT REQUIRED BY LAW,**
15 **THE COURT SHALL ORDER THE PERSON TO PAY AN ASSESSMENT OF \$100.00**
16 **THAT MUST BE DEPOSITED WITH THE STATE TREASURER AND CREDITED TO THE**
17 **HUMAN TRAFFICKING VICTIM ASSISTANCE FUND.**

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

20 Enacting section 2. This amendatory act does not take effect
21 unless Senate Bill No.____ or House Bill No. 6156 (request no.
22 01481'17) of the 99th Legislature is enacted into law.