

# HOUSE BILL NO. 4112

February 03, 2021, Introduced by Reps. Alexander, Glenn, Whitsett, Calley, Whiteford, Kahle, Brabec, Rendon, Paquette, Bollin, Wozniak, Lasinski, Hammoud, Thanedar, Bolden, Stone, Allor, Jones and Yancey and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending the heading of chapter LXVII and sections 448, 449,  
450, 452, 454, 455, 456, 457, 458, 459, 460, and 462 (MCL 750.448,  
750.449, 750.450, 750.452, 750.454, 750.455, 750.456, 750.457,  
750.458, 750.459, 750.460, and 750.462), section 448 as amended by  
2002 PA 45, sections 449 and 462 as amended by 2002 PA 46, section  
450 as amended by 2014 PA 326, sections 452, 455, 456, 457, 458,  
and 460 as amended by 2014 PA 331, section 454 as amended by 2002

PA 672, and section 459 as amended by 2016 PA 485; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER LXVII

~~PROSTITUTION~~**COMMERCIAL SEXUAL ACTIVITY**

Sec. 448. ~~A person 16 years of age or older who accosts, solicits, or invites another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act, is guilty of a crime punishable as provided in section 451.~~**As used in this chapter, "commercial sexual activity" means that term as defined in section 462a.**

Sec. 449. **(1)** ~~A~~**Except as provided in subsection (2), a person** 16 years of age or older who ~~receives or admits or offers to receive or admit a person into a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation, or who knowingly permits a person to remain in a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation,~~ **provides or offers to provide a commercial sexual activity** is guilty of a crime punishable as provided in section 451.

**(2)** If the person's actions that violated subsection (1) were a direct result of being a victim of human trafficking under chapter LXVIIA or if the person's actions were caused, induced, persuaded, encouraged, or enticed by a promise or threat, violence, or any device or scheme in violation of section 455 the person must be assessed for a deferral under section 451c.

Sec. 450. **(1)** ~~A person 16 years of age or older who aids, assists, or abets another person to commit or offer to commit an~~

1 ~~act prohibited under section 448, 449, or 449a is guilty of a crime~~  
2 ~~punishable as provided in section 451.~~**Except as provided in**  
3 **subsection (2), a person who obtains or offers to obtain a**  
4 **commercial sexual activity is guilty of a crime punishable as**  
5 **provided in section 451. A person who is convicted of violating**  
6 **this section is subject to part 52 of the public health code, 1978**  
7 **PA 368, MCL 333.5201 to 333.5210.**

8 (2) **A person who obtains or offers to obtain commercial sexual**  
9 **activity from a person who is less than 18 years of age is guilty**  
10 **of a crime punishable as provided in section 451.**

11 Sec. 452. A person who keeps, maintains, or operates, ~~or aids~~  
12 ~~and abets in keeping, maintaining, or operating, a house of ill-~~  
13 ~~fame, bawdy house, or any house or~~ **other** place resorted to for the  
14 purpose of ~~prostitution or lewdness~~ **commercial sexual activity** is  
15 guilty of a felony punishable by imprisonment for not more than 5  
16 years or by a fine of not more than \$5,000.00, or both.

17 Sec. 454. Any person who ~~shall let any dwelling~~ **rents a house,**  
18 **room, or vehicle** knowing that the ~~lessee~~ **person to whom the house,**  
19 **room, or vehicle is rented** intends to use it as ~~a house of ill-fame~~  
20 ~~or place of resort for the purpose of prostitution and lewdness, or~~  
21 ~~for the purpose of gambling for money or other property, for~~  
22 **commercial sexual activity,** or who ~~shall knowingly permit such~~  
23 ~~lessee to use the same for such purpose,~~ **permits the person to whom**  
24 **the house, room, or vehicle was rented to use the house, room, or**  
25 **vehicle for commercial sexual activity,** or who ~~shall receive any~~  
26 **receives rent or any other consideration** for any dwelling, house,  
27 room, or ~~apartment which is~~ **vehicle that is** used as ~~a house of ill-~~  
28 ~~fame or place of resort for prostitutes, or for the purpose of~~  
29 ~~prostitution and lewdness, or for the purpose of gambling for money~~

~~or other property, having reasonable cause to believe such house,~~  
~~room, or apartment is used for any such purpose, for commercial~~  
**sexual activity** is guilty of a misdemeanor punishable by  
 imprisonment for not more than 6 months or a fine of not more than  
 \$750.00. However, ~~no~~**a person shall be** **is not** liable for receiving  
 rent ~~as aforesaid under this section~~ for any period ~~prior to the~~  
~~time when~~**before** he or she ~~has~~**had** reasonable cause to believe that  
 such ~~the~~ house, room, or ~~apartment~~**vehicle** is used for any such  
 purpose.**commercial sexual activity.**

Sec. 455. A person who does any of the following is guilty of  
 a felony punishable by imprisonment for not more than 20 years:

(a) ~~Procures an inmate for a house of prostitution.~~**occupant**  
**for a house, vehicle, or other place in which commercial sexual**  
**activity is practiced, encouraged, or allowed.**

(b) Induces, persuades, encourages, ~~inveigles,~~ or entices a  
 person to become a ~~prostitute.~~**provider of commercial sexual**  
**activity.**

(c) By promise, threat, or violence, or by any device or  
 scheme, causes, induces, persuades, encourages, takes, places,  
 harbors, ~~inveigles,~~ or entices a person to become an inmate of a  
 house, ~~of prostitution or assignation place~~**vehicle**, or any **other**  
 place ~~where prostitution~~**in which commercial sexual activity** is  
 practiced, encouraged, or allowed.

(d) By any promise or threat, or by violence or any device or  
 scheme, causes, induces, persuades, encourages, ~~inveigles,~~ or  
 entices an ~~inmate~~**occupant** of a house, ~~of prostitution~~**vehicle**, or  
**other** place ~~of assignation~~**in which commercial sexual activity is**  
**practiced, encouraged, or allowed** to remain there as an ~~inmate.~~  
**occupant.**

(e) By any promise or threat, or by violence, any device or scheme, fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, takes, places, harbors, ~~inveigles, entices,~~ persuades, encourages, or procures any person to ~~engage in prostitution.~~  
**provide commercial sexual activity.**

(f) ~~Inveigles, entices, Entices,~~ persuades, encourages, or procures any person to come into this state or to leave this state for the purpose of ~~prostitution.~~  
**providing commercial sexual activity.**

(g) Upon the pretense of marriage, takes or detains a person for the purpose of sexual intercourse.

(h) Receives or gives, or agrees to receive or give, any money or thing of value for procuring or attempting to procure any person to ~~become a prostitute~~  
**provide commercial sexual activity** or to come into this state or leave this state for the purpose of ~~prostitution.~~  
**a commercial sexual activity.**

Sec. 456. Any person who by force, fraud, intimidation, or threat places or leaves, or procures any other person to place or leave, his or her spouse in a house, ~~of prostitution or to lead a life of prostitution,~~  
**vehicle, or other place in which commercial sexual activity is practiced, encouraged, or allowed or to provide commercial sexual activity** is guilty of a felony punishable by imprisonment for not more than 20 years.

Sec. 457. (1) Any person who knowingly accepts, receives, levies, or appropriates any money or valuable thing without consideration from the proceeds of the earnings of any person ~~engaged in prostitution,~~  
**providing commercial sexual activity,** or any person, knowing a person to be ~~a prostitute,~~  
**providing**

1 **commercial sexual activity**, who lives or derives support or  
 2 maintenance, in whole or in part, from the earnings or proceeds of  
 3 the ~~prostitution of a prostitute,~~ **person providing commercial**  
 4 **sexual activity**, or from money loaned or advanced to or charged  
 5 against a ~~prostitute~~ **person providing commercial sexual activity** by  
 6 any keeper or manager or ~~inmate~~ **occupant** of a house, **vehicle**, or  
 7 other place ~~where prostitution~~ **in which commercial sexual activity**  
 8 is practiced, **encouraged**, or allowed, is guilty of a felony  
 9 punishable by imprisonment for not more than 20 years.

10 (2) The acceptance, receipt, levy, or appropriation of money  
 11 or any thing of value described in subsection (1) is presumptive  
 12 evidence of lack of consideration.

13 Sec. 458. Any person who attempts to detain ~~any another~~ person  
 14 in a ~~disorderly house,~~ **vehicle**, or ~~house of prostitution~~ **other**  
 15 **place in which commercial sexual activity is practiced, encouraged,**  
 16 **or allowed** because of ~~any a~~ debt or debts the **other** person has  
 17 contracted, or is said to have contracted while ~~living in that~~  
 18 ~~house,~~ **there** is guilty of a felony punishable by imprisonment for  
 19 not less than 2 years or more than 20 years.

20 Sec. 459. (1) A person shall not knowingly transport or cause  
 21 to be transported, or aid or assist in obtaining transportation  
 22 for, by any means of conveyance, into, through, or across this  
 23 state, any person for the purpose of ~~prostitution~~ **commercial sexual**  
 24 **activity** or with the intent and purpose to induce, entice, or  
 25 compel that person to become a ~~prostitute.~~ **provider of commercial**  
 26 **sexual activity**. A person who violates this subsection is guilty of  
 27 a felony punishable by imprisonment for not more than 20 years or a  
 28 fine of not more than \$20,000.00, or both.

29 (2) A person shall not knowingly sell or offer to sell travel

1 services that include or facilitate travel for the purpose of  
2 engaging in ~~what~~**conduct that** would be a violation of this chapter,  
3 concerning ~~prostitution,~~**commercial sexual activity**, or of chapter  
4 LXVIIIA, concerning human trafficking, if the violation occurred in  
5 this state. Except as provided in subsection (3), a person who  
6 violates this subsection is guilty of a felony punishable by  
7 imprisonment for not more than 5 years or a fine of not more than  
8 \$10,000.00, or both.

9 (3) If a person violates subsection (2) and the violation  
10 involves conduct against a minor, the person is guilty of a felony  
11 punishable by imprisonment for not more than 10 years or a fine of  
12 not more than \$15,000.00, or both.

13 (4) A person who violates this section may be prosecuted,  
14 indicted, tried, and convicted in any county or city in or through  
15 which he or she ~~shall transport~~**transports** or ~~attempt~~**attempts** to  
16 transport ~~any~~**another** person in violation of this section.

17 (5) As used in this section, "travel services" means  
18 transportation by air, sea, or ground, hotel or other lodging  
19 accommodations, package tours, or the provision of vouchers or  
20 coupons to be redeemed for future travel, or accommodations for a  
21 fee, commission, or other valuable consideration.

22 Sec. 460. (1) It is not a defense to a prosecution for a  
23 violation of this chapter that any part of that violation was  
24 committed outside this state.

25 (2) A person who violates this chapter may be tried and  
26 punished in any county in which the ~~prostitution~~**commercial sexual**  
27 **activity** was intended to be ~~practiced, or in which the offense was~~  
28 ~~consummated,~~**provided or obtained**, or in which any overt act in  
29 furtherance of the offense was committed.

1       Sec. 462. A person who, for a purpose other than ~~prostitution,~~  
2 **commercial sexual activity**, takes or conveys to, or employs,  
3 receives, detains, or allows a person 16 years of age or less to  
4 remain in, a house, ~~of prostitution, house of ill-fame, bawdy-~~  
5 ~~house, house of assignation, or any house-~~**vehicle**, or **other** place  
6 ~~for the resort of prostitutes or other disorderly persons in which~~  
7 **commercial sexual activity is practiced, encouraged, or allowed** is  
8 guilty of a crime punishable as provided in section 451.

9       Enacting section 1. Section 449a of the Michigan penal code,  
10 1931 PA 328, MCL 750.449a, is repealed.

11       Enacting section 2. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.