

HOUSE BILL NO. 4113

February 03, 2021, Introduced by Reps. Wendzel, Glenn, Whitsett, Whiteford, Calley, Kahle, Brabec, Rendon, Paquette, Bollin, Wozniak, Lasinski, Clemente, Hammoud, Hope, Anthony, 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 sections 13, 159g, and 411j (MCL 750.13, 750.159g, and 750.411j), section 13 as amended by 2015 PA 210, section 159g as amended by 2019 PA 174, and section 411j as amended by 2019 PA 171.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. A person who takes or entices away a minor under the
2 age of 16 years from the minor's father, mother, guardian, or other
3 person having the legal charge of the minor, without their consent,

1 for the purpose of ~~prostitution, concubinage,~~ **commercial sexual**
2 **activity, child sexually abusive activity,** sexual intercourse, or
3 marriage is guilty of a felony punishable by imprisonment for not
4 more than 10 years.

5 Sec. 159g. As used in this chapter, "racketeering" means
6 committing, attempting to commit, conspiring to commit, or aiding
7 or abetting, soliciting, coercing, or intimidating a person to
8 commit an offense for financial gain by obtaining money, property,
9 or any other thing of value, involving any of the following:

10 (a) A felony violation of section 8 of the tobacco products
11 tax act, 1993 PA 327, MCL 205.428, concerning tobacco product
12 taxes, or section 9 of former 1947 PA 265, concerning cigarette
13 taxes.

14 (b) A violation of section 11151(3) of the natural resources
15 and environmental protection act, 1994 PA 451, MCL 324.11151, or
16 section 48(3) of former 1979 PA 64, concerning felonious disposal
17 of hazardous waste.

18 (c) A felony violation of part 74 of the public health code,
19 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled
20 substances.

21 (d) A felony violation of section 7340, 7340c, or 17766c of
22 the public health code, 1978 PA 368, MCL 333.7340, 333.7340c, and
23 333.17766c, concerning ephedrine or pseudoephedrine.

24 (e) A felony violation of section 60 of the social welfare
25 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

26 (f) A violation of section 4, 5, or 7 of the medicaid false
27 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,
28 concerning Medicaid fraud.

29 (g) A felony violation of section 18 of the Michigan ~~gaming~~

1 ~~control and revenue act,~~ **Gaming Control and Revenue Act**, 1996 IL 1,
2 MCL 432.218, concerning the business of gaming.

3 (h) A felony violation of section 909(4) of the Michigan
4 liquor control code of 1998, 1998 PA 58, MCL 436.1909, concerning
5 the illegal sale, delivery, or importation of spirits.

6 (i) A violation of section 508 of the uniform securities act
7 (2002), 2008 PA 551, MCL 451.2508, concerning fraud.

8 (j) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675
9 and 722.677, concerning the display or dissemination of obscene
10 matter to minors.

11 (k) A violation of section 49, concerning animal fighting.

12 (l) A felony violation of section 72, 73, 74, 75, or 77,
13 concerning arson.

14 (m) A violation of section 93, 94, 95, or 96, concerning bank
15 bonds, bills, notes, and property.

16 (n) A violation of section 110 or 110a, concerning breaking
17 and entering or home invasion.

18 (o) A violation of section 117, 118, 119, 120, 121, or 124,
19 concerning bribery.

20 (p) A violation of section 120a, concerning jury tampering.

21 (q) A violation of section 145c, concerning child sexually
22 abusive activity or material.

23 (r) A violation of section 145d, concerning internet or
24 computer crimes.

25 (s) A felony violation of section 157n, 157p, 157q, 157r,
26 157s, 157t, or 157u, concerning credit cards or financial
27 transaction devices.

28 (t) A felony violation of section 174, 175, 176, 180, 181, or
29 182, concerning embezzlement.

1 (u) A felony violation of chapter XXXVIII, concerning
2 explosives and bombs.

3 (v) A violation of section 213, concerning extortion.

4 (w) A felony violation of section 218, concerning false
5 pretenses.

6 (x) A felony violation of section 223(2), 224(1) (a), (b), or
7 (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a, concerning
8 firearms or dangerous weapons.

9 (y) A felony violation of chapter XLI, concerning forgery and
10 counterfeiting.

11 (z) A violation of section 271, 272, 273, or 274, concerning
12 securities fraud.

13 (aa) A violation of section 300a, concerning food stamps or
14 coupons or access devices.

15 (bb) A violation of section 301, 302, 303, 304, 305, 305a, or
16 313, concerning gambling.

17 (cc) A violation of section 316 or 317, concerning murder.

18 (dd) A violation of section 330, 331, or 332, concerning horse
19 racing.

20 (ee) A violation of section 349, 349a, or 350, concerning
21 kidnapping.

22 (ff) A felony violation of chapter LII, concerning larceny.

23 (gg) A violation of section 411k, concerning money laundering.

24 (hh) A violation of section 422, 423, 424, or 425, concerning
25 perjury or subornation of perjury.

26 (ii) A violation of section 452, 455, 457, 458, or 459,
27 concerning ~~prostitution~~ **commercial sexual activity**.

28 (jj) A violation of chapter LXVIIA, concerning human
29 trafficking.

1 (kk) A violation of section 529, 529a, 530, or 531, concerning
2 robbery.

3 (ll) A felony violation of section 535 or 535a, concerning
4 stolen, embezzled, or converted property.

5 (mm) A violation of chapter LXXXIII-A, concerning terrorism.

6 (nn) A violation of section 5 of 1984 PA 343, MCL 752.365,
7 concerning obscenity.

8 (oo) A felony violation of the identity theft protection act,
9 2004 PA 452, MCL 445.61 to 445.79d.

10 (pp) An offense committed within this state or another state
11 that constitutes racketeering activity as defined in 18 USC
12 1961(1).

13 (qq) An offense committed within this state or another state
14 in violation of a law of the United States that is substantially
15 similar to a violation listed in subdivisions (a) through (pp).

16 (rr) An offense committed in another state in violation of a
17 statute of that state that is substantially similar to a violation
18 listed in subdivisions (a) through (pp).

19 Sec. 411j. As used in this section and sections 411k to 411q:

20 (a) "Controlled substance offense" means a felony violation of
21 part 74 of the public health code, 1978 PA 368, MCL 333.7401 to
22 333.7461, concerning controlled substances.

23 (b) "Cryptocurrency" means digital currency in which
24 encryption techniques are used to regulate the generation of units
25 of currency and verify the transfer of funds, and that operates
26 independently of a central bank.

27 (c) "Knowingly", in the case of a corporation, means with the
28 approval or prior actual knowledge of the board of directors, a
29 majority of the directors, or persons who together hold a majority

1 of the voting ownership interests in the corporation. In
2 determining whether a majority of the directors approved of or had
3 knowledge of the activity, a director who was not aware of the
4 activity due to his or her own negligence or other fault is
5 regarded as having had knowledge of the activity. This subdivision
6 does not limit the liability of any individual officer, employee,
7 director, or stockholder of a corporation.

8 (d) "Financial transaction" means a purchase, sale, loan,
9 pledge, gift, transfer, delivery, exchange, or other disposition of
10 a monetary instrument or other property and, with respect to a
11 financial institution, includes a deposit, withdrawal, transfer
12 between accounts, exchange of currency, loan, extension of credit,
13 purchase or sale of any stock, bond, certificate of deposit, or
14 other monetary instrument, or any other payment, transfer, or
15 delivery by, through, or to a financial institution, by whatever
16 means effected.

17 (e) "Financial institution" means 1 or more of the following,
18 if located in or doing business in this state:

19 (i) An insured bank, as defined in section 3(h) of the federal
20 deposit insurance act, 12 USC 1813(h).

21 (ii) A commercial bank or trust company.

22 (iii) A private banker.

23 (iv) An agency or branch of a foreign bank.

24 (v) A savings and loan institution.

25 (vi) A thrift institution.

26 (vii) A credit union.

27 (viii) A broker or dealer registered with the securities and
28 exchange commission under the securities exchange act of 1934, 15
29 USC 78a to 78nn.

1 (ix) A broker or dealer in securities or commodities.

2 (x) An investment banker or investment company.

3 (xi) A currency exchange.

4 (xii) An insurer, redeemer, or cashier of traveler's checks,
5 checks, or money orders.

6 (xiii) An operator of a credit card system.

7 (xiv) An insurance company.

8 (xv) A dealer in precious metals, stones, or jewels.

9 (xvi) A pawnbroker.

10 (xvii) A loan, finance, or mortgage company.

11 (xviii) A travel agency.

12 (xix) A licensed sender of money.

13 (xx) A telegraph company.

14 (f) "Monetary instrument" means coin or currency of the United
15 States or another country, or group of countries, a traveler's
16 check, personal check, bank check, money order, cryptocurrency, or
17 investment security or negotiable instrument in bearer form or in
18 any other form such that delivery is sufficient to pass title.

19 (g) "Proceeds of a specified criminal offense" means any
20 monetary instrument or other real, personal, or intangible property
21 obtained through the commission of a specified criminal offense,
22 including any appreciation in the value of the monetary instrument
23 or property.

24 (h) "Specified criminal offense" means any of the following:

25 (i) A felony violation of section 8 of the tobacco products tax
26 act, 1993 PA 327, MCL 205.428, or section 9 of former 1947 PA 265,
27 concerning cigarette taxes.

28 (ii) A violation of section 11151 of the natural resources and

1 environmental protection act, 1994 PA 451, MCL 324.11151, or
2 section 48(3) of former 1979 PA 64, concerning felonious disposal
3 of hazardous waste.

4 (iii) A controlled substance offense.

5 (iv) A felony violation of section 60 of the social welfare
6 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

7 (v) A violation of section 4, 5, or 7 of the medicaid false
8 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,
9 concerning Medicaid fraud.

10 (vi) A felony violation of section 18 of the Michigan ~~gaming~~
11 ~~control and revenue act, **Gaming Control and Revenue Act**, 1996 IL 1,~~
12 MCL 432.218, concerning the business of gaming.

13 (vii) A violation of section 409 of former 1964 PA 265, or
14 section 508 of the uniform securities act (2002), 2008 PA 551, MCL
15 451.2508, concerning securities fraud.

16 (viii) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675
17 and 722.677, concerning the display or dissemination of obscene
18 matter to minors.

19 (ix) A felony violation of section 72, 73, 74, or 75,
20 concerning arson.

21 (x) A violation of section 93, 94, 95, or 96, concerning bank
22 bonds, bills, notes, or property.

23 (xi) A violation of section 117, 118, 119, 120, 121, or 124,
24 concerning bribery.

25 (xii) A violation of section 120a, concerning jury tampering.

26 (xiii) A violation of section 145c, concerning child sexually
27 abusive activity or material.

28 (xiv) A felony violation of section 157n, 157p, 157q, 157r,

1 157s, 157t, or 157u, concerning credit cards or financial
2 transaction devices.

3 (xv) A violation of section 159i, concerning racketeering.

4 (xvi) A felony violation of section 174, 175, 176, 180, 181, or
5 182, concerning embezzlement.

6 (xvii) A felony violation of chapter XXXIII, concerning
7 explosives or bombs.

8 (xviii) A violation of section 213, concerning extortion.

9 (xix) A felony violation of section 218, concerning false
10 pretenses.

11 (xx) A felony violation of chapter XLI, concerning forgery or
12 counterfeiting.

13 (xxi) A violation of section 271, 272, 273, or 274, concerning
14 securities fraud.

15 (xxii) A violation of section 301, 302, 303, 304, 305, 305a, or
16 313, concerning gambling.

17 (xxiii) A violation of section 316 or 317 concerning murder.

18 (xxiv) A violation of section 330, 331, or 332, concerning
19 horse racing.

20 (xxv) A violation of section 349, 349a, or 350, concerning
21 kidnapping.

22 (xxvi) A felony violation of chapter LII, concerning larceny.

23 (xxvii) A violation of section 422, 423, 424, or 425, concerning
24 perjury or subornation of perjury.

25 (xxviii) A violation of section 452, 455, 457, 458, or 459,
26 concerning ~~prostitution~~ **commercial sexual activity**.

27 (xxix) A violation of section 529, 530, or 531, concerning
28 robbery.

1 (*xxx*) A felony violation of section 535 or 535a, concerning
2 stolen, embezzled, or converted property.

3 (*xxxi*) A violation of chapter LXXXIII-A, concerning terrorism.

4 (*xxxii*) A violation of section 5 of 1984 PA 343, MCL 752.365,
5 concerning obscenity.

6 (*xxxiii*) A conspiracy, attempt, or solicitation to commit an
7 offense listed in subparagraphs (*i*) to (*xxxii*).

8 (*i*) "Substituted proceeds of a specified criminal offense"
9 means any monetary instrument or other real, personal, or
10 intangible property obtained or any gain realized by the sale or
11 exchange of proceeds of a specified criminal offense.

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

14 Enacting section 2. This amendatory act does not take effect
15 unless Senate Bill No. _____ or House Bill No. 4112 (request no.
16 01304'21) of the 101st Legislature is enacted into law.