

Act No. 261
Public Acts of 2024
Approved by the Governor
January 22, 2025
Filed with the Secretary of State
January 22, 2025
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2024**

Introduced by Reps. Fitzgerald, Hill, Brixie, MacDonell, Rheingans, Xiong, Arbit, Andrews, Brenda Carter, Hope, Byrnes, Haadsma, Glanville, Tsernoglou, Dievendorf, Brabec, Martus, Skaggs, Wilson, Conlin, Steckloff, McFall, Mentzer, Breen, Morgan and Rogers

ENROLLED HOUSE BILL No. 5887

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 213b.

The People of the State of Michigan enact:

Sec. 213b. (1) Except as provided in subsections (2) and (3), an individual who intentionally and maliciously threatens to release, exhibit, create, or distribute sexually explicit visual material of another individual in order to compel or attempt to compel another individual to do any act or refrain from doing any act against the individual’s will with the intent to obtain sexually explicit visual material or anything else of value is guilty of a felony punishable as follows:

- (a) For a first offense, by imprisonment for not more than 5 years, a fine of not more than \$5,000.00, or both.
- (b) For a second offense, by imprisonment for not more than 10 years, a fine of not more than \$10,000.00, or both.
- (c) For a third or subsequent offense, by imprisonment for not more than 20 years, a fine of not more than \$20,000.00, or both.
- (2) If an individual commits a violation of subsection (1) and either of the following factors apply, the individual is guilty of a felony punishable by imprisonment for not more than 25 years:
 - (a) The victim is less than 18 years of age or a vulnerable adult and the individual who committed the violation is more than 18 years of age.
 - (b) The victim suffers serious physical harm, serious mental harm, or death as a result of the violation of subsection (1).
- (3) If the individual convicted of a violation of subsection (1) is less than 18 years of age, the individual is guilty of a misdemeanor punishable by imprisonment for not more than 1 year. The court may order behavioral health counseling from an appropriate agency or provider as part of an individual’s sentence under this subsection.
- (4) As used in this section:
 - (a) “Nudity” means displaying an individual’s genitalia or anus or if the individual is a female, her nipples or areola.

(b) "Serious mental harm" means a mental injury that results in a substantial alteration of mental functioning that is manifested in a visibly demonstrable manner.

(c) "Serious physical harm" means a physical injury that threatens the life of a victim, causes substantial bodily disfigurement, or seriously impairs the functioning or well-being of the victim.

(d) "Sexually explicit visual material" means a photograph or video that depicts nudity, erotic fondling, sexual intercourse, or sadomasochistic abuse.

(e) "Vulnerable adult" means that term as defined in section 145m.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor