

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXVII

PROSTITUTION

750.448 Soliciting, accosting, or inviting to commit prostitution or immoral act; crime.

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.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.448;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 45, Eff. June 1, 2002.

Former law: See section 1 of Act 231 of 1925, being CL 1929, § 16871.

750.449 Admitting to place for purpose of prostitution; crime.

Sec. 449. 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, is guilty of a crime punishable as provided in section 451.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.449;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 46, Eff. June 1, 2002.

Former law: See section 2 of Act 231 of 1925, being CL 1929, § 16872.

750.449a Engaging services for purpose of prostitution, lewdness, or assignation; engaging services with person less than 18 years of age for purpose of prostitution, lewdness, or assignation; penalty.

Sec. 449a. (1) Except as provided in subsection (2), a person who engages or offers to engage the services of another person, not his or her spouse, for the purpose of prostitution, lewdness, or assignation, by the payment in money or other forms of consideration, is guilty of a misdemeanor. A person convicted of violating this section is subject to part 52 of the public health code, 1978 PA 368, MCL 333.5201 to 333.5210.

(2) A person who engages or offers to engage the services of another person, who is less than 18 years of age and who is not his or her spouse, for the purpose of prostitution, lewdness, or assignation, by the payment in money or other forms of consideration, is guilty of a crime punishable as provided in section 451.

History: Add. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2014, Act 326, Eff. Jan. 14, 2015.

750.450 Aiding, assisting, or abetting; penalty.

Sec. 450. A person 16 years of age or older who aids, assists, or abets another person to commit or offer to commit an act prohibited under section 448, 449, or 449a is guilty of a crime punishable as provided in section 451.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.450;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 46, Eff. June 1, 2002;—Am. 2014, Act 326, Eff. Jan. 14, 2015.

Former law: See section 3 of Act 231 of 1925, being CL 1929, § 16873.

750.451 Violation of MCL 750.448, 750.449, 750.449a(1), 750.450, or 750.462; prior convictions; penalty; prosecution of person under 18 years of age; presumption; report; investigation by department of health and human services; "prior conviction" defined.

Sec. 451. (1) Except as otherwise provided in this section, a person convicted of violating section 448, 449, 449a(1), 450, or 462 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(2) A person 16 years of age or older who is convicted of violating section 448, 449, 449a(1), 450, or 462 and who has 1 prior conviction is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) A person convicted of violating section 448, 449, 449a(1), 450, or 462 and who has 2 or more prior convictions is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(4) A person convicted of violating section 449a(2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(5) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(6) In any prosecution of a person under 18 years of age for an offense punishable under this section or a local ordinance substantially corresponding to an offense punishable under this section, it shall be presumed that the person under 18 years of age was coerced into child sexually abusive activity or commercial sexual activity in violation of section 462e or otherwise forced or coerced into committing that offense by another person engaged in human trafficking in violation of sections 462a to 462h. The prosecution may overcome this presumption by proving beyond a reasonable doubt that the person was not forced or coerced into committing the offense. The state may petition the court to find the person under 18 years of age to be dependent and in danger of substantial physical or psychological harm under section 2(b)(3) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2. A person under 18 years of age who fails to substantially comply with court-ordered services under section 2(b)(3) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not eligible for the presumption under this section.

(7) Excluding any reasonable period of detention for investigation purposes, a law enforcement officer who encounters a person under 18 years of age engaging in any conduct that would be a violation of section 448, 449, 450, or 462, or a local ordinance substantially corresponding to section 448, 449, 450, or 462, if engaged in by a person 16 years of age or over shall immediately report to the department of health and human services a suspected violation of human trafficking involving a person under 18 years of age in violation of sections 462a to 462h.

(8) The department of health and human services shall begin an investigation of a human trafficking violation reported to the department of health and human services under subsection (7) within 24 hours after the report is made to the department of health and human services, as provided in section 8 of the child protection law, 1975 PA 238, MCL 722.628. The investigation shall include a determination as to whether the person under 18 years of age is dependent and in danger of substantial physical or psychological harm under section 2(b)(3) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(9) As used in this section, "prior conviction" means a violation of section 448, 449, 449a(1), 450, or 462 or a violation of a law of another state or of a political subdivision of this state or another state substantially corresponding to section 448, 449, 449a(1), 450, or 462.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.451;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 43, Imd. Eff. Mar. 14, 2002;—Am. 2002, Act 44, Eff. June 1, 2002;—Am. 2014, Act 336, Eff. Jan. 14, 2015;—Am. 2016, Act 338, Eff. Mar. 14, 2017.

Former law: See section 4 of Act 231 of 1925, being CL 1929, § 16874.

750.451a Law enforcement officers; applicability.

Sec. 451a. Except as provided in section 451b, sections 448, 449, 449a, 450, 451, and 459 do not apply to a law enforcement officer while in the performance of the officer's duties as a law enforcement officer.

History: Add. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2017, Act 195, Eff. Mar. 13, 2018.

750.451b Applicability of MCL 750.451a.

Sec. 451b. Section 451a does not apply to a law enforcement officer if the officer engages in sexual penetration as that term is defined in section 520a while in the course of his or her duties.

History: Add. 2017, Act 194, Eff. Mar. 13, 2018.

750.451c Individual as victim of human trafficking violation; applicability of subsection (2); deferred proceedings; determination of court; violation of term or condition of probation; adjudication of guilt; circumstances; discharge and dismissal; proceedings open to public; record; nonpublic record; "human trafficking violation" defined.

Sec. 451c. (1) This section applies only if the violation described in subsection (2) was committed as a direct result of the individual being a victim of a human trafficking violation.

(2) When an individual pleads guilty to, or is found guilty of, a violation of section 448, 449, 450, or 462

or a local ordinance substantially corresponding to section 448, 449, 450, or 462, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer further proceedings and place the accused on probation as provided in this section. However, before deferring proceedings under this subsection, the court shall determine whether the accused has met the conditions described in subsection (1) as follows:

(a) The accused bears the burden of proving to the court by a preponderance of the evidence that the violation was a direct result of his or her being a victim of human trafficking.

(b) To prove that he or she is a victim of human trafficking, the accused shall state under oath that he or she meets the conditions described in subsection (1) with facts supporting his or her claim that the violation was a direct result of being a victim of human trafficking.

(3) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in this chapter.

(4) An order of probation entered under subsection (2) may include any condition of probation authorized under section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, including, but not limited to, requiring the accused to participate in a mandatory counseling program. The court may order the accused to pay the reasonable costs of the mandatory counseling program. The court also may order the accused to participate in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to 600.1084. The court may order the defendant to be imprisoned for not more than 93 days at a time or at intervals, which may be consecutive or nonconsecutive and within the period of probation, as the court determines. However, the period of imprisonment must not exceed the maximum period of imprisonment authorized for the offense if the maximum period is less than 93 days. The court may permit day parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The court may permit a work or school release from jail.

(5) The court shall enter an adjudication of guilt and proceed as otherwise provided in this chapter if any of the following circumstances exist:

(a) The accused commits a violation of section 448, 449, 450, or 462 or a local ordinance substantially corresponding to section 448, 449, 450, or 462 during the period of probation.

(b) The accused violates an order of the court that he or she receive counseling regarding his or her violent behavior.

(c) The accused violates an order of the court that he or she have no contact with a named individual.

(6) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section must be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

(7) All court proceedings under this section must be open to the public. Except as provided in subsection (8), if the record of proceedings as to the defendant is deferred under this section, the record of proceedings during the period of deferral must be closed to public inspection.

(8) Unless the court enters a judgment of guilt under this section, the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section. However, the nonpublic record must be open to the following individuals and entities for the purposes noted:

(a) The courts of this state, law enforcement personnel, the department of corrections, and prosecuting attorneys for use only in the performance of their duties or to determine whether an employee of the court, law enforcement agency, department of corrections, or prosecutor's office has violated his or her conditions of employment or whether an applicant meets criteria for employment with the court, law enforcement agency, department of corrections, or prosecutor's office.

(b) Prosecuting attorneys for informing consent under subsection (2).

(c) The department of health and human services for enforcing child protection laws and vulnerable adult protection laws or ascertaining the preemployment criminal history of any individual who will be engaged in the enforcement of child protection laws or vulnerable adult protection laws.

(9) As used in this section, "human trafficking violation" means a violation of chapter LXVIIA.

History: Add. 2014, Act 334, Eff. Jan. 14, 2015;—Am. 2017, Act 34, Eff. Aug. 21, 2017.

750.452 House of ill-fame or for purpose of prostitution or lewdness; keeping, maintaining, or operating as felony; penalty.

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.452;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014.

Former law: See section 10 of Ch. 158 of R.S. 1846, being CL 1857, § 5865; CL 1871, § 7700; How., § 9286; CL 1897, § 11697; CL 1915, § 15471; CL 1929, § 16826; Act 34 of 1887; Act 37 of 1927; and Act 40 of 1927.

750.453 Providing incriminating testimony or evidence; use of truthful testimony, evidence, or other information against witness in criminal case.

Sec. 453. A person shall not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate upon an investigation, proceeding, or trial for a violation of this chapter on the ground that the testimony or evidence may tend to degrade or incriminate the person. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.453;—Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999.

Former law: See section 2 of Act 40 of 1927, being CL 1929, § 16861.

750.454 Leasing houses for purposes of prostitution; misdemeanor.

Sec. 454. Any person who shall let any dwelling house, knowing that the lessee intends to use it as a house of ill-fame or place of resort for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, or who shall knowingly permit such lessee to use the same for such purpose, or who shall receive any rent for any dwelling, house, room, or apartment which is used as a house of ill-fame or place of resort for prostitutes, or for the purpose of 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, 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 person shall be liable for receiving rent as aforesaid for any period prior to the time when he or she has reasonable cause to believe that such house, room, or apartment is used for any such purpose.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.454;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 12 of Ch. 158 of R.S. 1846, being CL 1857, § 5867; CL 1871, § 7702; How., § 9288; CL 1897, § 11699; CL 1915, § 15473; CL 1929, § 16828; Act 226 of 1865; and Act 77 of 1873.

750.455 Certain conduct as felony.

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.
- (b) Induces, persuades, encourages, inveigles, or entices a person to become a prostitute.
- (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 or any place where prostitution 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 of a house of prostitution or place of assignation to remain there as an inmate.
- (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.
- (f) Inveigles, entices, persuades, encourages, or procures any person to come into this state or to leave this state for the purpose of prostitution.
- (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 or to come into this state or leave this state for the purpose of prostitution.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.455;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014.

Former law: See section 1 of Act 63 of 1911, being CL 1915, § 15494; CL 1929, § 16862; Act 330 of 1925; and Act 37 of 1927.

750.456 Placing spouse in house of prostitution; felony.

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, is guilty of a felony punishable by imprisonment for not more than 20 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.456;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014.

Former law: See section 2 of Act 63 of 1911, being CL 1915, § 15495; CL 1929, § 16863.

750.457 Accepting, receiving, levying, or appropriating from earnings of person engaged in prostitution.

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, or any person, knowing a person to be a prostitute, who lives or derives support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of a prostitute, or from money loaned or advanced to or charged against a prostitute by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, is guilty of a felony punishable by imprisonment for not more than 20 years.

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.457;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014.

Former law: See section 3 of Act 63 of 1911, being CL 1915, § 15496; CL 1929, § 16864; Act 284 of 1934; Act 330 of 1925; Act 37 of 1927; and section 1 of Act 389 of 1919, being CL 1929, § 16869.

750.458 Detaining person in house of prostitution for debt; felony.

Sec. 458. Any person who attempts to detain any person in a disorderly house or house of prostitution because of any debt or debts the person has contracted, or is said to have contracted while living in that house, is guilty of a felony punishable by imprisonment for not less than 2 years or more than 20 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.458;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014.

Former law: See section 4 of Act 63 of 1911, being CL 1915, § 15497; and CL 1929, § 16865.

750.459 Transporting person for prostitution; sale of travel services for purposes of prostitution or human trafficking; conduct against minor; felony; "travel services" defined.

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

(2) A person shall not knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in what would be a violation of this chapter, concerning prostitution, or of chapter LXVIIA, concerning human trafficking, if the violation occurred in this state. Except as provided in subsection (3), a person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

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

(4) A person who violates this section may be prosecuted, indicted, tried, and convicted in any county or city in or through which he or she shall transport or attempt to transport any person in violation of this section.

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.459;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014;—Am. 2016, Act 485, Eff. Apr. 6, 2017.

Former law: See section 5 of Act 63 of 1911, being CL 1915, § 15498; and CL 1929, § 16866.

750.460 Acts committed outside state.

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

(2) A person who violates this chapter may be tried and punished in any county in which the prostitution was intended to be practiced, or in which the offense was consummated, or in which any overt act in furtherance of the offense was committed.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.460;—Am. 2014, Act 331, Imd. Eff. Oct. 16, 2014.

Former law: See section 6 of Act 63 of 1911, being CL 1915, § 15499; and CL 1929, § 16867.

750.461 Competency of person to testify for or against accused notwithstanding person's

marriage to accused.

Sec. 461. An individual referred to in sections 455 to 459 may be a competent witness in a prosecution under this chapter to testify for or against the accused as to any transaction or as to any conversation with the accused or by the accused with another person in the individual's presence regardless of whether the individual married the accused before or after the violation or whether the individual is called as a witness during the existence of the marriage or after its dissolution.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.461;—Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999.

Former law: See section 7 of Act 63 of 1911, being CL 1915, § 15500; CL 1929, § 16868; Act 330 of 1925; Act 37 of 1927; and section 2 of Act 389 of 1919, being CL 1929, § 16870.

750.462 Female 16 years of age or less in house of prostitution; crime.

Sec. 462. A person who, for a purpose other than prostitution, takes or conveys to, or employs, receives, detains, or allows a person 16 years of age or less to remain in, a house of prostitution, house of ill-fame, bawdy-house, house of assignation, or any house or place for the resort of prostitutes or other disorderly persons is guilty of a crime punishable as provided in section 451.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.462;—Am. 2002, Act 46, Eff. June 1, 2002.

Former law: See sections 2 and 3 of Act 209 of 1885, being How., §§ 9314g and 9314h; CL 1897, §§ 11725 and 11726; CL 1915, §§ 15516 and 15517; and CL 1929, §§ 16881 and 16882.