

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.145h Vulnerable adult; sexually explicit visual material; violation; penalties; enhanced sentence; definitions.

Sec. 145h. (1) A person shall not intentionally or knowingly harass, abuse, threaten, force, coerce, compel, or exploit the vulnerability of a vulnerable adult in a manner that causes the vulnerable adult to provide that person, or any other person, sexually explicit visual material.

(2) Except as provided in subsection (3), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(3) A person who violates subsection (1) who has 1 or more prior convictions for a violation of subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(4) 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 must 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.

(5) As used in this section:

- (a) "Sexually explicit visual material" means that term as defined in section 145e.
- (b) "Vulnerable adult" means that term as defined in section 145m.

History: Add. 2023, Act 275, Eff. Mar. 7, 2024.