

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5158

A bill to create the human trafficking commission act; to prescribe the membership of the human trafficking commission; and to prescribe the duties and responsibilities of the human trafficking commission.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "human
2 trafficking commission act".

3 Sec. 2. As used in this act:

4 (a) "Commission" means the human trafficking commission
5 established in section 3.

6 (b) "Human trafficking" means a violation of chapter LXVIIA of
7 the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

8 Sec. 3. (1) The human trafficking commission is established
9 within the department of attorney general. The commission shall

1 include all of the following members:

2 (a) The governor or his or her designated representative from
3 within the office of the governor.

4 (b) The state attorney general or his or her designated
5 representative from within the department of attorney general.

6 (c) The director of the department of state police or his or
7 her designated representative from within the department of state
8 police.

9 (d) The director of the department of human services or his or
10 her designated representative from within the department of human
11 services.

12 (e) The director of the department of community health or his
13 or her designated representative from within the department of
14 community health.

15 (f) The director of the department of licensing and regulatory
16 affairs or his or her designated representative from within the
17 department of licensing and regulatory affairs.

18 (g) Two individuals appointed by the governor from a list of
19 individuals submitted by the senate majority leader.

20 (h) Two individuals appointed by the governor from a list of
21 individuals submitted by the speaker of the house of
22 representatives.

23 (i) One individual who is a circuit court judge who serves in
24 family court and who is appointed by the governor from a list of 3
25 individuals submitted by the Michigan judges association or its
26 successor organization. The individuals on the list submitted by
27 the Michigan judges association or its successor organization shall

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1 be members of the Michigan judges association or its successor
2 organization.

3 (j) One individual who is a county prosecuting attorney and
4 who is appointed by the governor from a list of 3 individuals
5 submitted by the prosecuting attorneys association of Michigan or
6 its successor organization. The individuals on the list submitted
7 by the prosecuting attorneys association of Michigan or its
8 successor organization shall be members of the prosecuting
9 attorneys association of Michigan or its successor organization.

10 (k) One individual who represents the interests of law
11 enforcement and who is appointed by the governor from a list of 3
12 individuals submitted by the Michigan association of chiefs of
13 police or its successor organization. The individuals on the list
14 submitted by the Michigan association of chiefs of police or its
15 successor organization shall be members of the Michigan association
16 of chiefs of police or its successor organization.

17 (l) Two individuals who <<have survived human trafficking
18 >>
19 and who are appointed by the governor.

20 (2) The members first appointed to the board under subsection
21 (1)(g) to (l) shall be appointed within 90 days after the effective
22 date of this act.

23 (3) Members of the commission shall serve as follows:

24 (a) Members of the commission appointed under subsection
25 (1)(a) to (f) shall serve until a successor is appointed.

26 (b) Members of the commission appointed under subsection
27 (1)(g) to (l) shall serve for a term of 2 years or until a successor

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1 is appointed, whichever is later.

2 (c) An individual appointed under subsection (1)(i) to (k)
3 shall serve only while he or she is a member of the organization
4 that submitted his or her name for membership on the commission.

5 (d) An individual may be reappointed for additional terms.

6 (4) If a vacancy occurs on the commission, the appointing
7 authority shall make an appointment for the unexpired term in the
8 same manner as the original appointment.

9 (5) The appointing authority may remove the member it
10 appointed to the commission for incompetence, dereliction of duty,
11 malfeasance, misfeasance, nonfeasance in office, or any other good
12 cause.

13 (6) The first meeting of the commission shall be called within
14 180 days after the effective date of this act. Before this first
15 meeting, the governor shall appoint the chairperson of the
16 <<commission>> from among the members listed in subsection (1). At the
17 first meeting, the commission shall elect from among its members a
18 << >> vice-chairperson and other officers as it considers
19 necessary or appropriate who shall serve for 1-year terms and who
20 may be reelected. After the first meeting, the commission shall
21 meet at least 4 times each year, or more frequently at the call of
22 the chairperson or as otherwise agreed upon in the bylaws.

23 (7) The commission shall adopt bylaws for the operation of the
24 commission. The bylaws shall, at a minimum, address the procedures
25 for conducting meetings, including voting procedures, and the
26 requirements of its members to attend meetings.

27 (8) A majority of the members of the commission appointed and

1 serving constitute a quorum for the transaction of business at a
2 meeting of the commission. A majority of the members present and
3 serving are required for the official action of the commission.

4 (9) The business that the commission may perform shall be
5 conducted at a public meeting of the commission held in compliance
6 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

7 However, members of the commission may attend and participate in a
8 meeting of the commission by the use of telecommunication or other
9 electronic equipment if their attendance and participation by the
10 use of telecommunication or other electronic equipment is
11 authorized by the bylaws of the commission and that meeting is
12 otherwise conducted in compliance with the open meetings act, 1976
13 PA 267, MCL 15.261 to 15.275.

14 (10) A writing prepared, owned, used, in the possession of, or
15 retained by the commission in the performance of an official
16 function is subject to the freedom of information act, 1976 PA 442,
17 MCL 15.231 to 15.246.

18 (11) Members of the commission shall serve without
19 compensation. However, members of the commission may be reimbursed
20 for their actual and necessary expenses incurred in the performance
21 of their official duties as members of the commission.

22 Sec. 4. The commission shall do all of the following subject
23 to funding:

24 (a) Identify sources for grants that will assist in examining
25 and countering human trafficking in this state, and apply for those
26 grants when appropriate.

27 (b) Fund research programs to determine the extent and nature

1 of human trafficking in this state.

2 (c) Provide information and training regarding human
3 trafficking to police officers, prosecutors, court personnel,
4 health care providers, social services personnel, and other
5 individuals the commission considers appropriate.

6 (d) Collect and analyze information regarding human
7 trafficking in this state.

8 (e) Identify state and local agencies within this state and
9 other states, as well as within the federal government, that are
10 involved with issues relating to human trafficking, and coordinate
11 the dissemination of information regarding human trafficking in
12 this state to those agencies.

13 (f) Review the existing services available to assist victims
14 of human trafficking, including crime victim assistance, health
15 care, and legal assistance, and establish a program to make those
16 victims better aware of the services that are available to them.

17 (g) Establish a program to improve public awareness of human
18 trafficking.

19 (h) Review existing state laws and administrative rules
20 relating to human trafficking and make recommendations to the
21 legislature to improve those laws and rules to address human
22 trafficking violations in this state.

23 (i) File an annual report with the governor, the secretary of
24 the senate, and the clerk of the house of representatives regarding
25 its activities under this act. The report shall be filed not later
26 than February 1 of the year following the year for which the report
27 is due.

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1 Sec. 5. (1) The human trafficking commission fund is created
2 within the department of treasury. The fund shall be administered
3 by the department of attorney general.

4 (2) The state treasurer may receive money or other assets from
5 any source for deposit into the fund. The state treasurer shall
6 direct the investment of the fund. The state treasurer shall credit
7 to the fund interest and earnings from fund investments.

8 (3) Money in the human trafficking commission fund shall be
9 expended only upon appropriation and only in a manner to carry out
10 the purposes set forth in this act. Money in the fund at the close
11 of the fiscal year is considered a work project, shall remain in
12 the fund, and shall not lapse to the general fund.

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

15 <<Enacting section 2. This act does not take effect unless all of
16 the following bills of the 97th Legislature are enacted into law:
 (a) Senate Bill No. 596.
 (b) House Bill No. 5234.>>