

H.B. 5861

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411e (MCL 750.411e), as added by 1988 PA 476,
and by adding section 552c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411e. (1) An athlete agent shall not do ~~either~~ ANY
2 of the following:

3 (a) Induce a student athlete to enter into an agent contract
4 or professional sport services contract before the student
5 athlete's eligibility for collegiate athletics expires.

6 (b) Enter into an agreement ~~whereby~~ BY WHICH the athlete
7 agent gives, offers, or promises anything of value to an employee
8 of an institution of higher education in return for the referral
9 of a student athlete by that employee.

1 (C) INTERFERE OR ATTEMPT TO INTERFERE WITH THE PROSPECTIVE
2 ADVANTAGE ACCORDED AN INSTITUTION OF HIGHER EDUCATION BY VIRTUE
3 OF ITS RELATIONSHIP WITH AN INTERCOLLEGIATE ATHLETICS GOVERNING
4 ORGANIZATION BY PROMISING OR PROVIDING ANY IMPROPER GIFT OR SERV-
5 ICE TO A STUDENT ATHLETE, A PROSPECTIVE STUDENT ATHLETE, OR THE
6 IMMEDIATE FAMILY OF A STUDENT ATHLETE OR OF A PROSPECTIVE STUDENT
7 ATHLETE. AS USED IN THIS SUBDIVISION:

8 (i) "IMPROPER GIFT OR SERVICE" MEANS ANY GIFT OR SERVICE
9 THAT A STUDENT ATHLETE IS PROHIBITED FROM ACCEPTING ACCORDING TO
10 THE RULES OF THE INSTITUTION OF HIGHER EDUCATION.

11 (ii) "PROSPECTIVE STUDENT ATHLETE" MEANS AN INDIVIDUAL WHO
12 IS BEING RECRUITED TO BE A STUDENT ATHLETE AT AN INSTITUTION OF
13 HIGHER EDUCATION.

14 (2) An athlete agent who violates subsection (1) is guilty
15 of a misdemeanor ~~—~~ punishable by a fine of not more than
16 \$50,000.00 or an amount equal to 3 times the amount given,
17 offered, or promised as an inducement as described in subsection
18 (1)(a) or 3 times the value of the agreement entered into as
19 described in subsection (1)(b) OR 3 TIMES THE VALUE OF THE GIFT
20 OR SERVICE PROMISED OR PROVIDED AS DESCRIBED IN SUBSECTION
21 (1)(C), whichever is greater, or imprisonment for not more than 1
22 year, or both.

23 (3) As used in this section:

24 (a) "Agent contract" means ~~any~~ A contract or agreement
25 pursuant to which a person authorizes or empowers an athlete
26 agent to negotiate or solicit on HIS OR HER behalf ~~of the~~
27 ~~person~~ with 1 or more professional sport teams for ~~the~~ HIS OR

1 HER employment ~~of the person~~ by a professional sport team or to
2 negotiate or solicit on HIS OR HER behalf ~~of the person~~ for
3 ~~the~~ employment ~~of the person~~ as a professional athlete.

4 (b) "Athlete agent" means a person who, directly or indi-
5 rectly, recruits or solicits a person to enter into an agent con-
6 tract or professional sport services contract, or who procures,
7 offers, promises, or attempts to obtain employment for a person
8 with a professional sport team or as a professional athlete.
9 Athlete agent does not include a member of a person's immediate
10 family.

11 (c) "Immediate family" means a person's spouse, child,
12 parent, stepparent, grandparent, grandchild, brother, sister,
13 parent-in-law, brother-in-law, sister-in-law, nephew, niece,
14 aunt, uncle, first cousin, or the spouse or guardian of any of
15 the persons described in this subdivision.

16 (d) "Institution of higher education" means a public or pri-
17 vate college or university.

18 (e) "Person" means an individual, sole proprietorship, part-
19 nership, association, corporation, or other legal entity.

20 (f) "Professional sport services contract" means a contract
21 or agreement pursuant to which a person is employed or agrees to
22 render services as a player on a professional sport team or as a
23 professional athlete.

24 (g) "Student athlete" means an individual who engages in, is
25 eligible to engage in, or may be eligible to engage in ~~any~~ AN
26 intercollegiate sporting event, contest, exhibition, or program.

HB5861, As Passed House, September 24, 1998

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1 SEC. 552C. (1) AN ATHLETE AGENT WHO WILLFULLY TRESPASSES BY
2 ENTERING OR REMAINING ON THE PROPERTY OF AN INSTITUTION OF HIGHER
3 EDUCATION WITHOUT THAT INSTITUTION'S AUTHORITY OR PERMISSION IS
4 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
5 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$50,000.00, OR BOTH.

6 (2) AS USED IN THIS SECTION:

7 (A) "ATHLETE AGENT" MEANS THAT TERM AS DEFINED IN SECTION
8 411E.

9 (B) "INSTITUTION OF HIGHER EDUCATION" MEANS THAT TERM AS
10 DEFINED IN SECTION 411E.