

HOUSE BILL No. 6169

June 12, 2018, Introduced by Reps. Lasinski, Sabo, Cochran, Chang, Guerra, Brinks, Geiss, Greig, Love, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 13, 159g, 167, 411j, 448, 449, 449a, 452, 454, 455, 456, 457, 458, 459, 460, 462, and 520m (MCL 750.13, 750.159g, 750.167, 750.411j, 750.448, 750.449, 750.449a, 750.452, 750.454, 750.455, 750.456, 750.457, 750.458, 750.459, 750.460, 750.462, and 750.520m), section 13 as amended by 2015 PA 210, section 159g as amended by 2014 PA 300, section 167 as amended by 2014 PA 199, section 411j as amended by 2009 PA 82, section 448 as amended by 2002 PA 45, sections 449 and 462 as amended by 2002 PA 46, section 449a as amended by 2014 PA 326, sections 452, 455, 456, 457, 458, and 460 as amended by 2014 PA 331, section 454 as amended by 2002 PA 672, section 459 as amended by 2016 PA 485, section 520m as

amended by 2014 PA 459, and by amending the heading of chapter LXVII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. A person who takes or entices away a minor under the
2 age of 16 years from the minor's father, mother, guardian, or other
3 person having the legal charge of the minor, without their consent,
4 for the purpose of ~~prostitution,~~ **ENGAGING THE MINOR IN A COMMERCIAL**
5 **SEX ACT**, concubinage, sexual intercourse, or marriage is guilty of
6 a felony punishable by imprisonment for not more than 10 years.

7 Sec. 159g. As used in this chapter, "racketeering" means
8 committing, attempting to commit, conspiring to commit, or aiding
9 or abetting, soliciting, coercing, or intimidating a person to
10 commit an offense for financial gain, involving any of the
11 following:

12 (a) A felony violation of section 8 of the tobacco products
13 tax act, 1993 PA 327, MCL 205.428, concerning tobacco product
14 taxes, or section 9 of former 1947 PA 265, concerning cigarette
15 taxes.

16 (b) A violation of section 11151(3) of the natural resources
17 and environmental protection act, 1994 PA 451, MCL 324.11151, or
18 section 48(3) of former 1979 PA 64, concerning felonious disposal
19 of hazardous waste.

20 (c) A felony violation of part 74 of the public health code,
21 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled
22 substances.

23 (d) A felony violation of section 7340, 7340c, or 17766c of
24 the public health code, 1978 PA 368, MCL 333.7340, 333.7340c, and

1 333.17766c, concerning ephedrine or pseudoephedrine.

2 (e) A felony violation of section 60 of the social welfare
3 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

4 (f) A violation of section 4, 5, or 7 of the medicaid false
5 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,
6 concerning medicaid fraud.

7 (g) A felony violation of section 18 of the Michigan gaming
8 control and revenue act, 1996 IL 1, MCL 432.218, concerning the
9 business of gaming.

10 (h) A felony violation of section 909(4) of the Michigan
11 liquor control code of 1998, 1998 PA 58, MCL 436.1909, concerning
12 the illegal sale, delivery, or importation of spirits.

13 (i) A violation of section 508 of the uniform securities act
14 (2002), 2008 PA 551, MCL 451.2508, concerning fraud.

15 (j) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675
16 and 722.677, concerning the display or dissemination of obscene
17 matter to minors.

18 (k) A violation of section 49, concerning animal fighting.

19 (l) A felony violation of section 72, 73, 74, 75, or 77,
20 concerning arson.

21 (m) A violation of section 93, 94, 95, or 96, concerning bank
22 bonds, bills, notes, and property.

23 (n) A violation of section 110 or 110a, concerning breaking
24 and entering or home invasion.

25 (o) A violation of section 117, 118, 119, 120, 121, or 124,
26 concerning bribery.

27 (p) A violation of section 120a, concerning jury tampering.

1 (q) A violation of section 145c, concerning child sexually
2 abusive activity or material.

3 (r) A violation of section 145d, concerning internet or
4 computer crimes.

5 (s) A felony violation of section 157n, 157p, 157q, 157r,
6 157s, 157t, or 157u, concerning credit cards or financial
7 transaction devices.

8 (t) A felony violation of section 174, 175, 176, 180, 181, or
9 182, concerning embezzlement.

10 (u) A felony violation of chapter XXXIII, concerning
11 explosives and bombs.

12 (v) A violation of section 213, concerning extortion.

13 (w) A felony violation of section 218, concerning false
14 pretenses.

15 (x) A felony violation of section 223(2), 224(1)(a), (b), or
16 (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a, concerning
17 firearms or dangerous weapons.

18 (y) A felony violation of chapter XLI, concerning forgery and
19 counterfeiting.

20 (z) A violation of section 271, 272, 273, or 274, concerning
21 securities fraud.

22 (aa) A violation of section 300a, concerning food stamps or
23 coupons or access devices.

24 (bb) A violation of section 301, 302, 303, 304, 305, 305a, or
25 313, concerning gambling.

26 (cc) A violation of section 316 or 317, concerning murder.

27 (dd) A violation of section 330, 331, or 332, concerning horse

1 racing.

2 (ee) A violation of section 349, 349a, or 350, concerning
3 kidnapping.

4 (ff) A felony violation of chapter LII, concerning larceny.

5 (gg) A violation of section 411k, concerning money laundering.

6 (hh) A violation of section 422, 423, 424, or 425, concerning
7 perjury or subornation of perjury.

8 (ii) A violation of section 452, 455, 457, 458, or 459,
9 concerning ~~prostitution~~. **COMMERCIAL SEX ACTS.**

10 (jj) A violation of chapter LXVIIA, concerning human
11 trafficking.

12 (kk) A violation of section 529, 529a, 530, or 531, concerning
13 robbery.

14 (ll) A felony violation of section 535 or 535a, concerning
15 stolen, embezzled, or converted property.

16 (mm) A violation of chapter LXXXIII-A, concerning terrorism.

17 (nn) A violation of section 5 of 1984 PA 343, MCL 752.365,
18 concerning obscenity.

19 (oo) A felony violation of the identity theft protection act,
20 2004 PA 452, MCL 445.61 to ~~445.77~~. **445.79D.**

21 (pp) An offense committed within this state or another state
22 that constitutes racketeering activity as defined in 18 USC
23 1961(1).

24 (qq) An offense committed within this state or another state
25 in violation of a law of the United States that is substantially
26 similar to a violation listed in subdivisions (a) through (pp).

27 (rr) An offense committed in another state in violation of a

1 statute of that state that is substantially similar to a violation
2 listed in subdivisions (a) through (pp).

3 Sec. 167. (1) A person is a disorderly person if the person is
4 any of the following:

5 (a) A person of sufficient ability who refuses or neglects to
6 support his or her family.

7 (b) A ~~common prostitute~~. **PERSON ENGAGED IN A COMMERCIAL SEX**
8 **ACT.**

9 (c) A window peeper.

10 (d) A person who engages in an illegal occupation or business.

11 (e) A person who is intoxicated in a public place and who is
12 either endangering directly the safety of another person or of
13 property or is acting in a manner that causes a public disturbance.

14 (f) A person who is engaged in indecent or obscene conduct in
15 a public place.

16 (g) A vagrant.

17 (h) A person found begging in a public place.

18 (i) A person found loitering in a house of ill fame or
19 ~~prostitution~~ **HOUSE IN WHICH COMMERCIAL SEX ACTS ARE COMMITTED** or
20 place where ~~prostitution~~ **COMMERCIAL SEX ACTIVITY** or lewdness is
21 practiced, encouraged, or allowed.

22 (j) A person who knowingly loiters in or about a place where
23 an illegal occupation or business is being conducted.

24 (k) A person who loiters in or about a police station, police
25 headquarters building, county jail, hospital, court building, or
26 other public building or place for the purpose of soliciting
27 employment of legal services or the services of sureties upon

1 criminal recognizances.

2 (1) A person who is found jostling or roughly crowding people
3 unnecessarily in a public place.

4 (2) If a person who has been convicted of refusing or
5 neglecting to support his or her family under this section is
6 charged with subsequent violations within a period of 2 years, that
7 person ~~shall~~**MUST** be prosecuted as a second offender or third and
8 subsequent offender as provided in section 168, if the family of
9 that person is then receiving public relief or support.

10 (3) A mother's breastfeeding of a child or expressing breast
11 milk does not constitute indecent or obscene conduct under
12 subsection (1) regardless of whether or not her areola or nipple is
13 visible during or incidental to the breastfeeding or expressing of
14 breast milk.

15 Sec. 411j. As used in this section and sections 411k to 411q:

16 (a) "Controlled substance offense" means a felony violation of
17 part 74 of the public health code, 1978 PA 368, MCL 333.7401 to
18 333.7461, concerning controlled substances.

19 (b) "Knowingly", in the case of a corporation, means with the
20 approval or prior actual knowledge of the board of directors, a
21 majority of the directors, or persons who together hold a majority
22 of the voting ownership interests in the corporation. In
23 determining whether a majority of the directors approved of or had
24 knowledge of the activity, a director who was not aware of the
25 activity due to his or her own negligence or other fault is
26 regarded as having had knowledge of the activity. This subdivision
27 does not limit the liability of any individual officer, employee,

1 director, or stockholder of a corporation.

2 (c) "Financial transaction" means a purchase, sale, loan,
3 pledge, gift, transfer, delivery, exchange, or other disposition of
4 a monetary instrument or other property and, with respect to a
5 financial institution, includes a deposit, withdrawal, transfer
6 between accounts, exchange of currency, loan, extension of credit,
7 purchase or sale of any stock, bond, certificate of deposit, or
8 other monetary instrument, or any other payment, transfer, or
9 delivery by, through, or to a financial institution, by whatever
10 means effected.

11 (d) "Financial institution" means 1 or more of the following,
12 if located in or doing business in this state:

13 (i) An insured bank, as defined in section 3(h) of the federal
14 deposit insurance act, 12 USC 1813(h).

15 (ii) A commercial bank or trust company.

16 (iii) A private banker.

17 (iv) An agency or branch of a foreign bank.

18 (v) A savings and loan institution.

19 (vi) A thrift institution.

20 (vii) A credit union.

21 (viii) A broker or dealer registered with the securities and
22 exchange commission under the securities exchange act of 1934, 15
23 USC 78a to 78nn.

24 (ix) A broker or dealer in securities or commodities.

25 (x) An investment banker or investment company.

26 (xi) A currency exchange.

27 (xii) An insurer, redeemer, or cashier of traveler's checks,

1 checks, or money orders.

2 (xiii) An operator of a credit card system.

3 (xiv) An insurance company.

4 (xv) A dealer in precious metals, stones, or jewels.

5 (xvi) A pawnbroker.

6 (xvii) A loan, finance, or mortgage company.

7 (xviii) A travel agency.

8 (xix) A licensed sender of money.

9 (xx) A telegraph company.

10 (e) "Monetary instrument" means coin or currency of the United
11 States or another country, or group of countries, a traveler's
12 check, personal check, bank check, money order, or investment
13 security or negotiable instrument in bearer form or in any other
14 form such that delivery is sufficient to pass title.

15 (f) "Proceeds of a specified criminal offense" means any
16 monetary instrument or other real, personal, or intangible property
17 obtained through the commission of a specified criminal offense,
18 including any appreciation in the value of the monetary instrument
19 or property.

20 (g) "Specified criminal offense" means any of the following:

21 (i) A felony violation of section 8 of the tobacco products
22 tax act, 1993 PA 327, MCL 205.428, or section 9 of former 1947 PA
23 265, concerning cigarette taxes.

24 (ii) A violation of section 11151 of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.11151, or
26 section 48(3) of former 1979 PA 64, concerning felonious disposal
27 of hazardous waste.

1 (iii) A controlled substance offense.

2 (iv) A felony violation of section 60 of the social welfare
3 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

4 (v) A violation of section 4, 5, or 7 of the medicaid false
5 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,
6 concerning medicaid fraud.

7 (vi) A felony violation of section 18 of the Michigan gaming
8 control and revenue act, ~~the Initiated Law of 1996 IL 1~~, MCL
9 432.218, concerning the business of gaming.

10 (vii) A violation of ~~section 409 of the uniform securities~~
11 ~~act, 1964 PA 265, MCL 451.809, or section 508 of the uniform~~
12 securities act (2002), 2008 PA 551, MCL 451.2508, **OR SECTION 409 OF**
13 **FORMER 1964 PA 265**, concerning securities fraud.

14 (viii) A violation of section 5 or 7 of 1978 PA 33, MCL
15 722.675 and 722.677, concerning the display or dissemination of
16 obscene matter to minors.

17 (ix) A felony violation of section 72, 73, 74, or 75,
18 concerning arson.

19 (x) A violation of section 93, 94, 95, or 96, concerning bank
20 bonds, bills, notes, or property.

21 (xi) A violation of section 117, 118, 119, 120, 121, or 124,
22 concerning bribery.

23 (xii) A violation of section 120a, concerning jury tampering.

24 (xiii) A violation of section 145c, concerning child sexually
25 abusive activity or material.

26 (xiv) A felony violation of section 157n, 157p, 157q, 157r,
27 157s, 157t, or 157u, concerning credit cards or financial

1 transaction devices.

2 (xv) A violation of section 159i, concerning racketeering.

3 (xvi) A felony violation of section 174, 175, 176, 180, 181,
4 or 182, concerning embezzlement.

5 (xvii) A felony violation of chapter XXXVIII, concerning
6 explosives or bombs.

7 (xviii) A violation of section 213, concerning extortion.

8 (xix) A felony violation of section 218, concerning false
9 pretenses.

10 (xx) A felony violation of chapter XLI, concerning forgery or
11 counterfeiting.

12 (xxi) A violation of section 271, 272, 273, or 274, concerning
13 securities fraud.

14 (xxii) A violation of section 301, 302, 303, 304, 305, 305a,
15 or 313, concerning gambling.

16 (xxiii) A violation of section 316 or 317 concerning murder.

17 (xxiv) A violation of section 330, 331, or 332, concerning
18 horse racing.

19 (xxv) A violation of section 349, 349a, or 350, concerning
20 kidnapping.

21 (xxvi) A felony violation of chapter LII, concerning larceny.

22 (xxvii) A violation of section 422, 423, 424, or 425,
23 concerning perjury or subornation of perjury.

24 (xxviii) A violation of section 452, 455, 457, 458, or 459,
25 concerning ~~prostitution~~. **COMMERCIAL SEX ACTS.**

26 (xxix) A violation of section 529, 530, or 531, concerning
27 robbery.

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

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

14 Sec. 452. A person who keeps, maintains, or operates, or aids
15 and abets in keeping, maintaining, or operating, a house of ~~ill-~~
16 ~~fame,~~ **ILL FAME**, bawdy house, or any house or place resorted to for
17 the purpose of ~~prostitution~~ **COMMERCIAL SEX ACTS** or lewdness is
18 guilty of a felony punishable by imprisonment for not more than 5
19 years or by a fine of not more than \$5,000.00, or both.

20 Sec. 454. Any person who ~~shall let~~ **LEASES** any dwelling house,
21 knowing that the lessee intends to use it as a house of ~~ill-fame~~
22 **ILL FAME** or place of resort for the purpose of ~~prostitution~~
23 **COMMERCIAL SEX ACTS** and lewdness, or for the purpose of gambling
24 for money or other property, or who ~~shall knowingly permit such~~
25 **PERMITS A** lessee to use the ~~same~~ **DWELLING HOUSE** for ~~such purpose,~~
26 **ONE OF THOSE PURPOSES** or who ~~shall receive~~ **RECEIVES** any rent for
27 any dwelling, house, room, or apartment ~~which~~ **THAT** is used as a

1 house of ~~ill fame~~ **ILL FAME** or place of resort for prostitutes,
 2 **COMMERCIAL SEX ACTS**, or for the purpose of ~~prostitution~~ **COMMERCIAL**
 3 **SEX ACTS** and lewdness, or for the purpose of gambling for money or
 4 other property, having reasonable cause to believe ~~such~~ **THE** house,
 5 room, or apartment is used for ~~any such purpose~~, **ONE OF THOSE**
 6 **PURPOSES** is guilty of a misdemeanor punishable by imprisonment for
 7 not more than 6 months or a fine of not more than \$750.00. However,
 8 ~~no~~ **A** person shall be **IS NOT** liable for receiving rent as aforesaid
 9 **UNDER THIS SECTION** for any period ~~prior to the time when~~ **BEFORE** he
 10 or she ~~has~~ **HAD** reasonable cause to believe that ~~such~~ **THE** house,
 11 room, or apartment is used for ~~any such purpose~~. **THE PURPOSES**
 12 **DESCRIBED IN THIS SECTION.**

13 Sec. 455. A person who does any of the following is guilty of
 14 a felony punishable by imprisonment for not more than 20 years:

15 (a) Procures an inmate for a house ~~of prostitution~~. **IN WHICH**
 16 **COMMERCIAL SEX ACTS ARE COMMITTED.**

17 (b) Induces, persuades, encourages, inveigles, or entices a
 18 person to become a ~~prostitute~~. **PERSON ENGAGED IN A COMMERCIAL SEX**
 19 **ACT.**

20 (c) By promise, threat, or violence, or by any device or
 21 scheme, causes, induces, persuades, encourages, takes, places,
 22 harbors, inveigles, or entices a person to become an inmate of a
 23 house ~~of prostitution~~ **IN WHICH COMMERCIAL SEX ACTS ARE COMMITTED** or
 24 **OF** assignation ~~place~~ or any place where ~~prostitution is~~ **COMMERCIAL**
 25 **SEX ACTS ARE** practiced, encouraged, or allowed.

26 (d) By any promise or threat, or by violence or any device or
 27 scheme, causes, induces, persuades, encourages, inveigles, or

1 entices an inmate of a house ~~of prostitution~~ **IN WHICH COMMERCIAL**
 2 **SEX ACTS ARE COMMITTED** or place of assignation to remain there as
 3 an inmate.

4 (e) By any promise or threat, or by violence, any device or
 5 scheme, fraud or artifice, or by duress of person or goods, or by
 6 abuse of any position of confidence or authority, or having legal
 7 charge, takes, places, harbors, inveigles, entices, persuades,
 8 encourages, or procures any person to engage in ~~prostitution.~~ **A**
 9 **COMMERCIAL SEX ACT.**

10 (f) Inveigles, entices, persuades, encourages, or procures any
 11 person to come into this state or to leave this state for the
 12 purpose of ~~prostitution.~~ **ENGAGING IN A COMMERCIAL SEX ACT.**

13 (g) Upon the pretense of marriage, takes or detains a person
 14 for the purpose of sexual intercourse.

15 (h) Receives or gives, or agrees to receive or give, any money
 16 or thing of value for procuring or attempting to procure any person
 17 to become a ~~prostitute~~ **PERSON ENGAGED IN A COMMERCIAL SEX ACT** or to
 18 come into this state or leave this state for the purpose of
 19 ~~prostitution.~~ **A COMMERCIAL SEX ACT.**

20 Sec. 456. Any person who by force, fraud, intimidation, or
 21 threat places or leaves, or procures any other person to place or
 22 leave, his or her spouse in a house ~~of prostitution~~ **IN WHICH**
 23 **COMMERCIAL SEX ACTS ARE COMMITTED** or to lead a life of
 24 ~~prostitution,~~ **ENGAGING IN COMMERCIAL SEX ACTS,** is guilty of a
 25 felony punishable by imprisonment for not more than 20 years.

26 Sec. 457. (1) Any person who knowingly accepts, receives,
 27 levies, or appropriates any money or valuable thing without

1 consideration from the proceeds of the earnings of any person
2 engaged in ~~prostitution, A COMMERCIAL SEX ACT~~, or any person,
3 knowing a person to be a ~~prostitute, ENGAGED IN COMMERCIAL SEX~~
4 **ACTS**, who lives or derives support or maintenance, in whole or in
5 part, from the earnings or proceeds of the ~~prostitution of a~~
6 ~~prostitute, PERSON ENGAGED IN COMMERCIAL SEX ACTS~~, or from money
7 loaned or advanced to or charged against a ~~prostitute PERSON~~
8 **ENGAGED IN COMMERCIAL SEX ACTS** by any keeper or manager or inmate
9 of a house or other place where ~~prostitution is COMMERCIAL SEX ACTS~~
10 **ARE** practiced or allowed, is guilty of a felony punishable by
11 imprisonment for not more than 20 years.

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

15 Sec. 458. Any person who attempts to detain ~~any ANOTHER~~ person
16 in a disorderly house or house ~~of prostitution IN WHICH COMMERCIAL~~
17 **SEX ACTS ARE COMMITTED** because of ~~any A~~ debt or debts the **OTHER**
18 person has contracted, or is said to have contracted while living
19 in that house, is guilty of a felony punishable by imprisonment for
20 not less than 2 years or more than 20 years.

21 Sec. 459. (1) A person shall not knowingly transport or cause
22 to be transported, or aid or assist in obtaining transportation
23 for, by any means of conveyance, into, through, or across this
24 state, any person for the purpose of ~~prostitution A COMMERCIAL SEX~~
25 **ACT** or with the intent and purpose to induce, entice, or compel
26 that person to become a ~~prostitute PERSON ENGAGED IN A COMMERCIAL~~
27 **SEX ACT**. A person who violates this subsection is guilty of a

1 felony punishable by imprisonment for not more than 20 years or a
2 fine of not more than \$20,000.00, or both.

3 (2) A person shall not knowingly sell or offer to sell travel
4 services that include or facilitate travel for the purpose of
5 engaging in ~~what~~ **CONDUCT THAT** would be a violation of this chapter,
6 concerning ~~prostitution,~~ **A COMMERCIAL SEX ACT**, or of chapter
7 LXVIIIA, concerning human trafficking, if the violation occurred in
8 this state. Except as provided in subsection (3), a person who
9 violates this subsection is guilty of a felony punishable by
10 imprisonment for not more than 5 years or a fine of not more than
11 \$10,000.00, or both.

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

16 (4) A person who violates this section may be prosecuted,
17 indicted, tried, and convicted in any county or city in or through
18 which he or she ~~shall transport or attempt~~ **TRANSPORTS OR ATTEMPTS**
19 to transport ~~any~~ **ANOTHER** person in violation of this section.

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

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

1 (2) A person who violates this chapter may be tried and
 2 punished in any county in which the ~~prostitution~~ **COMMERCIAL SEX ACT**
 3 was intended to be ~~practiced, or~~ **CONSUMMATED**, in which the offense
 4 was consummated, or in which any overt act in furtherance of the
 5 offense was committed.

6 Sec. 462. A person who, for a purpose other than ~~prostitution,~~
 7 **A COMMERCIAL SEX ACT**, takes or conveys to, or employs, receives,
 8 detains, or allows a person 16 years of age or less to remain in, a
 9 house of ~~prostitution,~~ **IN WHICH COMMERCIAL SEX ACTS ARE COMMITTED**,
 10 house of ~~ill-fame, bawdy-house,~~ **ILL FAME, BAWDY HOUSE**, house of
 11 assignation, or any house or place for the resort of ~~prostitutes~~
 12 **PERSONS ENGAGED IN COMMERCIAL SEX ACTS** or other disorderly persons
 13 is guilty of a crime punishable as provided in section 451.

14 Sec. 520m. (1) A person shall provide samples for chemical
 15 testing for DNA identification profiling or a determination of the
 16 sample's genetic markers and shall provide samples for chemical
 17 testing if any of the following apply:

18 (a) The individual is arrested for committing or attempting to
 19 commit a felony offense or an offense that would be a felony if
 20 committed by an adult.

21 (b) The person is convicted of, or found responsible for, a
 22 felony or attempted felony, or any of the following misdemeanors or
 23 local ordinances that are substantially corresponding to the
 24 following misdemeanors:

25 (i) A violation of section 167(1)(c), (f), or (i), disorderly
 26 person by window peeping, engaging in indecent or obscene conduct
 27 in public, or loitering in a house of ill fame or ~~prostitution.~~ **A**

1 **HOUSE IN WHICH COMMERCIAL SEX ACTS ARE COMMITTED.**

2 (ii) A violation of section 335a(1), indecent exposure.

3 (iii) A violation punishable under section 451(1) or (2),
4 first and second ~~prostitution~~**COMMERCIAL SEX ACT** violations.

5 (iv) A violation of section 454, leasing a house for purposes
6 of ~~prostitution~~**COMMERCIAL SEX ACTS**.

7 (2) Notwithstanding subsection (1), if at the time the person
8 is arrested for, convicted of, or found responsible for the
9 violation the investigating law enforcement agency or the
10 department of state police already has a sample from the person
11 that meets the requirements of the DNA identification profiling
12 system act, 1990 PA 250, MCL 28.171 to 28.176, the person is not
13 required to provide another sample or pay the assessment required
14 under subsection (5).

15 (3) The county sheriff or the investigating law enforcement
16 agency shall collect and transmit the samples in the manner
17 required under the DNA identification profiling system act, 1990 PA
18 250, MCL 28.171 to 28.176.

19 (4) An investigating law enforcement agency, prosecuting
20 agency, or court that has in its possession a DNA identification
21 sample obtained from a person under subsection (1) shall forward
22 the DNA identification sample to the department of state police
23 after the person from whom the sample was taken has been charged
24 with committing or attempting to commit a felony offense or an
25 offense that would be a felony if committed by an adult unless the
26 department of state police already has a DNA identification profile
27 of the person.

1 (5) The court shall order each person found responsible for or
2 convicted of 1 or more crimes listed in subsection (1) to pay an
3 assessment of \$60.00. The assessment required under this subsection
4 is in addition to any fine, costs, or other assessments imposed by
5 the court.

6 (6) An assessment required under subsection (5) ~~shall~~**MUST** be
7 ordered upon the record, and ~~shall~~**MUST** be listed separately in the
8 adjudication order, judgment of sentence, or order of probation.

9 (7) After reviewing a verified petition by a person against
10 whom an assessment is imposed under subsection (5), the court may
11 suspend payment of all or part of the assessment if it determines
12 the person is unable to pay the assessment.

13 (8) The court that imposes the assessment prescribed under
14 subsection (5) may retain 10% of all assessments or portions of
15 assessments collected for costs incurred under this section and
16 shall transmit that money to its funding unit. On the last day of
17 each month, the clerk of the court shall transmit the assessments
18 or portions of assessments collected under this section as follows:

19 (a) Twenty-five percent to the county sheriff or other
20 investigating law enforcement agency that collected the DNA sample
21 as designated by the court to defray the costs of collecting DNA
22 samples.

23 (b) Sixty-five percent to the state treasurer for deposit in
24 the justice system fund created in section 181 of the revised
25 judicature act of 1961, 1961 PA 236, MCL 600.181.

26 (9) As used in this section:

27 (a) "DNA identification profile" and "DNA identification

1 profiling" mean those terms as defined in section 2 of the DNA
2 identification profiling system act, 1990 PA 250, MCL 28.172.

3 (b) "Investigating law enforcement agency" means the law
4 enforcement agency responsible for the investigation of the offense
5 for which the person is arrested or convicted. Investigating law
6 enforcement agency includes the county sheriff but does not include
7 a probation officer employed by the department of corrections.

8 (c) "Felony" means a violation of a penal law of this state
9 for which the offender may be punished by imprisonment for more
10 than 1 year or an offense expressly designated by law to be a
11 felony.

12 (d) "Sample" means a portion of a person's blood, saliva, or
13 tissue collected from the person.

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