

# HOUSE BILL NO. 5887

June 27, 2024, Introduced by Reps. Fitzgerald, Hill, Brixie, MacDonell, Rheingans, Xiong, Arbit, Andrews, Brenda Carter, Hope, Byrnes, Haadsma, Glanville, Tsernoglou, Dievendorf, Brabec, Martus, Skaggs, Wilson, Conlin, Steckloff, McFall, Mentzer, Breen, Morgan and Rogers and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 213b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 213b. (1) Except as provided in subsections (2) and (3),  
2 an individual who intentionally and maliciously threatens to  
3 release, exhibit, or distribute sexually explicit visual material  
4 of another individual in order to compel or attempt to compel  
5 another individual to do any act or refrain from doing any act

1 against the individual's will with the intent to obtain additional  
2 sexually explicit visual material or anything else of value is  
3 guilty of a felony punishable as follows:

4 (a) For a first offense, by imprisonment for not more than 5  
5 years.

6 (b) For a second offense, by imprisonment for not more than 10  
7 years.

8 (c) For a third or subsequent offense, by imprisonment for not  
9 more than 20 years.

10 (2) If an individual commits a violation of subsection (1) and  
11 either of the following factors apply, the individual is guilty of  
12 a felony punishable by imprisonment for not more than 20 years:

13 (a) The victim is less than 18 years of age or a vulnerable  
14 adult and the individual who committed the violation is more than  
15 18 years of age and is not a vulnerable adult.

16 (b) The victim suffers great bodily injury or death as a  
17 result of the violation of subsection (1).

18 (3) If the individual convicted of a violation of subsection  
19 (1) is less than 18 years of age, the individual is guilty of a  
20 misdemeanor punishable by imprisonment for not more than 1 year.  
21 The court may order behavioral health counseling from an  
22 appropriate agency or provider as part of an individual's sentence  
23 under this subsection.

24 (4) As used in this section:

25 (a) "Great bodily injury" means bodily injury that causes a  
26 substantial risk of death, serious or permanent disfigurement, or  
27 protracted loss or impairment of the function of a bodily member or  
28 organ.

29 (b) "Nudity" means displaying an individual's genitalia or

1 anus or if the individual is a female, her nipples or areola.

2 (c) "Sexually explicit visual material" means a photograph or  
3 video that depicts nudity, erotic fondling, sexual intercourse, or  
4 sadomasochistic abuse.

5 (d) "Vulnerable adult" means that term as defined in section  
6 145m.