

HOUSE BILL NO. 5016

September 18, 2025, Introduced by Reps. Pohutsky, Breen, Witwer, Tsernoglou, Morgan, Rheingans, Price, Young, Hoskins, Weiss, MacDonell, Fitzgerald, Conlin, Mentzer, McKinney, Scott, O'Neal, Wooden and Longjohn and referred to Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 13, 159g, 167, 411j, 448, 449, 450, 451, 451a, 451c, 452, 453, 454, 455, 456, 457, 458, 459, 460, 462, and 520m (MCL 750.13, 750.159g, 750.167, 750.411j, 750.448, 750.449, 750.450, 750.451, 750.451a, 750.451c, 750.452, 750.453, 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 2022 PA 174, section 167 as amended by 2014 PA 199, section 411j as amended by 2019 PA 171, section 448 as amended by

2002 PA 45, sections 449 and 462 as amended by 2002 PA 46, section 450 as amended by 2014 PA 326, section 451 as amended by 2016 PA 338, section 451a as amended by 2017 PA 195, section 451c as amended by 2017 PA 34, sections 452, 455, 456, 457, 458, and 460 as amended by 2014 PA 331, section 453 as amended by 1999 PA 251, section 454 as amended by 2002 PA 672, section 459 as amended by 2016 PA 485, and section 520m as amended by 2014 PA 459; and to repeal acts and parts of acts.

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 ~~16-18~~ years from the minor's ~~father, mother, parent,~~
3 guardian, or other person having the legal charge of the minor,
4 without their consent, for the purpose of ~~prostitution,~~
5 ~~concubinage,~~ **commercial sexual activity, child sexually abusive**
6 **activity,** sexual intercourse, or marriage is guilty of a felony
7 punishable by imprisonment for not more than 10 years.

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

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

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

1 (c) A felony violation of part 74 of the public health code,
2 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled
3 substances.

4 (d) A felony violation of section 7340, 7340c, or 17766c of
5 the public health code, 1978 PA 368, MCL 333.7340, 333.7340c, and
6 333.17766c, concerning ephedrine or pseudoephedrine.

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

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

12 (g) A felony violation of section 18 of the Michigan ~~gaming~~
13 ~~control and revenue act,~~ **Gaming Control and Revenue Act**, 1996 IL 1,
14 MCL 432.218, concerning the business of gaming.

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

18 (i) A violation of section 508 of the uniform securities act
19 (2002), 2008 PA 551, MCL 451.2508, concerning fraud.

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

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

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

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

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

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

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

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

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

8 (s) A felony violation of section 157n, 157p, 157q, 157r,
9 157s, 157t, or 157u, concerning credit cards or financial
10 transaction devices.

11 (t) A felony violation of section 174, 175, 176, 180, 181, or
12 182, concerning embezzlement.

13 (u) A felony violation of chapter XXXIII, concerning
14 explosives and bombs.

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

16 (w) A felony violation of section 218, concerning false
17 pretenses.

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

21 (y) A felony violation of chapter XLI, concerning forgery and
22 counterfeiting.

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

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

27 (bb) A violation of section 301, 302, 303, 304, 305, 305a, or
28 313, concerning gambling.

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

1 (dd) A violation of section 330, 331, or 332, concerning horse
2 racing.

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

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

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

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

9 (ii) A violation of section 452, 455, 457, 458, or 459,
10 concerning ~~prostitution~~. **commercial sexual activity**.

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

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

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

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

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

20 (oo) A felony violation of the identity theft protection act,
21 2004 PA 452, MCL 445.61 to 445.79d.

22 (pp) A violation of section 4 of the organized retail crime
23 act, 2012 PA 455, MCL 752.1084.

24 (qq) An offense committed within this state or another state
25 that constitutes racketeering activity as defined in 18 USC
26 1961(1).

27 (rr) An offense committed within this state or another state
28 in violation of a law of the United States that is substantially
29 similar to a violation listed in subdivisions (a) through (qq).

1 (ss) An offense committed in another state in violation of a
2 statute of that state that is substantially similar to a violation
3 listed in subdivisions (a) through (qq).

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

6 (a) A person of sufficient ability who refuses or neglects to
7 support ~~his or her~~ **the person's** family.

8 (b) A ~~common prostitute~~ **person engaged in commercial sexual**
9 **activity.**

10 (c) A window peeper.

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

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

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

17 (g) A vagrant.

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

19 (i) A person found loitering in a house, ~~of ill fame or~~
20 ~~prostitution or place where prostitution or lewdness~~ **vehicle, or**
21 **other place in which commercial sexual activity** is practiced,
22 encouraged, or allowed.

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

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

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

(2) If a person who has been convicted of refusing or neglecting to support ~~his or her~~ **the person's** family under this section is charged with subsequent violations within a period of 2 years, that person ~~shall~~ **must** be prosecuted as a ~~second offender or third and subsequent offender~~ **person who was previously convicted** as ~~provided~~ **described** in section ~~168,~~ **168(2)(b)**, if the family of that person is then receiving public relief or support.

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

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

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

(b) "Cryptocurrency" means digital currency in which encryption techniques are used to regulate the generation of units of currency and verify the transfer of funds, and that operates independently of a central bank.

~~(c) "Knowingly", in the case of a corporation, means with the approval or prior actual knowledge of the board of directors, a majority of the directors, or persons who together hold a majority of the voting ownership interests in the corporation. In determining whether a majority of the directors approved of or had knowledge of the activity, a director who was not aware of the activity due to his or her own negligence or other fault is~~

~~regarded as having had knowledge of the activity. This subdivision does not limit the liability of any individual officer, employee, director, or stockholder of a corporation.~~

~~(d) "Financial transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, exchange, or other disposition of a monetary instrument or other property and, with respect to a financial institution, includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.~~

~~(c) (e)~~ "Financial institution" means 1 or more of the following, if located in or doing business in this state:

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

(ii) A commercial bank or trust company.

(iii) A private banker.

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

(v) A savings and loan institution.

(vi) A thrift institution.

(vii) A credit union.

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

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

(x) An investment banker or investment company.

(xi) A currency exchange.

(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 (d) "Financial transaction" means a purchase, sale, loan,
11 pledge, gift, transfer, delivery, exchange, or other disposition of
12 a monetary instrument or other property and, with respect to a
13 financial institution, includes a deposit, withdrawal, transfer
14 between accounts, exchange of currency, loan, extension of credit,
15 purchase or sale of any stock, bond, certificate of deposit, or
16 other monetary instrument, or any other payment, transfer, or
17 delivery by, through, or to a financial institution, by whatever
18 means effected.

19 (e) "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 the director's 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,
28 director, or stockholder of a corporation.

29 (f) "Monetary instrument" means coin or currency of the United

1 States or another country, or group of countries, a traveler's
 2 check, personal check, bank check, money order, cryptocurrency, or
 3 investment security or negotiable instrument in bearer form or in
 4 any other form such that delivery is sufficient to pass title.

5 (g) "Proceeds of a specified criminal offense" means any
 6 monetary instrument or other real, personal, or intangible property
 7 obtained through the commission of a specified criminal offense,
 8 including any appreciation in the value of the monetary instrument
 9 or property.

10 (h) "Specified criminal offense" means any of the following:

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

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

18 (iii) A controlled substance offense.

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

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

24 (vi) A felony violation of section 18 of the Michigan ~~gaming~~
 25 ~~control and revenue act~~, **Gaming Control and Revenue Act**, 1996 IL 1,
 26 MCL 432.218, concerning the business of gaming.

27 (vii) A violation of section 409 of former 1964 PA 265, or
 28 section 508 of the uniform securities act (2002), 2008 PA 551, MCL
 29 451.2508, concerning securities fraud.

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

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

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

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

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

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

13 (xiv) A felony violation of section 157n, 157p, 157q, 157r,
14 157s, 157t, or 157u, concerning credit cards or financial
15 transaction devices.

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

17 (xvi) A felony violation of section 174, 175, 176, 180, 181, or
18 182, concerning embezzlement.

19 (xvii) A felony violation of chapter XXXIII, concerning
20 explosives or bombs.

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

22 (xix) A felony violation of section 218, concerning false
23 pretenses.

24 (xx) A felony violation of chapter XLI, concerning forgery or
25 counterfeiting.

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

28 (xxii) A violation of section 301, 302, 303, 304, 305, 305a, or

1 313, concerning gambling.

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

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

5 (xxv) A violation of section 349, 349a, or 350, concerning
6 kidnapping.

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

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

10 (xxviii) A violation of section 452, 455, 457, 458, or 459,
11 concerning ~~prostitution~~. **commercial sexual activity**.

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

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

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

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

19 (xxxiii) A conspiracy, attempt, or solicitation to commit an
20 offense listed in subparagraphs (i) to (xxxii).

21 (i) "Substituted proceeds of a specified criminal offense"
22 means any monetary instrument or other real, personal, or
23 intangible property obtained or any gain realized by the sale or
24 exchange of proceeds of a specified criminal offense.

25 CHAPTER LXVII

26 ~~PROSTITUTION~~ **COMMERCIAL SEXUAL ACTIVITY**

27 Sec. 448. ~~A person 16 years of age or older who accosts,~~
28 ~~solicits, or invites another person in a public place or in or from~~
29 ~~a building or vehicle, by word, gesture, or any other means, to~~

1 ~~commit prostitution or to do any other lewd or immoral act, is~~
2 ~~guilty of a crime punishable as provided in section 451.~~ As used in
3 this chapter, "commercial sexual activity" means that term as
4 defined in section 462a.

5 Sec. 449. (1) A person who accosts, solicits, or invites
6 another person in a public place or in or from a building or
7 vehicle, by word, gesture, or other means, to provide commercial
8 sexual activity is guilty of a crime punishable as provided in
9 section 451.

10 (2) A person ~~16 years of age or older~~ who receives or admits
11 or offers to receive or admit a person into a place, ~~structure,~~
12 house, ~~building,~~ or vehicle for the purpose of ~~prostitution,~~
13 ~~lewdness, or assignation,~~ **commercial sexual activity** or who
14 knowingly permits a person to remain in a place, ~~structure,~~ house,
15 ~~building,~~ or vehicle for the purpose of ~~prostitution, lewdness, or~~
16 ~~assignation,~~ **commercial sexual activity** is guilty of a crime
17 punishable as provided in section 451.

18 (3) A person who provides or offers to provide a commercial
19 sexual activity is guilty of a crime punishable as provided in
20 section 451.

21 (4) Except as provided in subsection (5), a person who obtains
22 or offers to obtain a commercial sexual activity is guilty of a
23 crime punishable as provided in section 451. A person who is
24 convicted of violating this section is subject to part 52 of the
25 public health code, 1978 PA 368, MCL 333.5201 to 333.5210.

26 (5) A person who obtains or offers to obtain commercial sexual
27 activity from a person who is less than 18 years of age is guilty
28 of a crime punishable as provided in section 451.

29 (6) A person who aids, assists, or abets another person to

1 commit or offer to commit an act prohibited under subsections (1),
 2 (2), (3), (4), or (5) is guilty of a crime punishable as provided
 3 in section 451.

4 Sec. 450. ~~A person 16 years of age or older who aids, assists,~~
 5 ~~or abets another person to commit or offer to commit an act~~
 6 ~~prohibited under section 448, 449, or 449a is guilty of a crime~~
 7 ~~punishable as provided in section 451.~~ **If the person's actions that**
 8 **violated section 449 were a direct result of being a victim of**
 9 **human trafficking under chapter LXVIIA or if the person's actions**
 10 **were caused, induced, persuaded, encouraged, or enticed by a**
 11 **promise or threat, violence, or any device or scheme in violation**
 12 **of section 455, the person must be assessed for a deferral under**
 13 **section 451c.**

14 Sec. 451. (1) Except as otherwise provided in this section, a
 15 person convicted of violating section ~~448, 449, 449a(1), 450,~~
 16 **449(1), (2), (3), (4), or (6)** or 462 is guilty of a misdemeanor
 17 punishable by imprisonment for not more than 93 days, ~~or~~ a fine of
 18 not more than \$500.00, or both.

19 (2) A person ~~16 years of age or older who is convicted of~~
 20 ~~violating section 448, 449, 449a(1), 450,~~ **449(1), (2), (3), (4), or**
 21 **(6)** or 462 and who has 1 prior conviction is guilty of a
 22 ~~misdemeanor~~ **felony** punishable by imprisonment for not more than ~~1~~
 23 ~~year or 2 years,~~ a fine of not more than ~~\$1,000.00,~~ **\$2,000.00,** or
 24 both.

25 (3) A person convicted of violating section ~~448, 449, 449a(1),~~
 26 ~~450,~~ **449(1), (2), (3), (4), or (6)** or 462 and who has 2 or more
 27 prior convictions is guilty of a felony punishable by imprisonment
 28 for not more than ~~2-4~~ years, ~~or~~ a fine of not more than ~~\$2,000.00,~~
 29 **\$4,000.00,** or both.

1 (4) A person convicted of violating section ~~449a(2)~~**449(5)** is
2 guilty of a felony punishable by imprisonment for not more than 5
3 years, ~~or~~a fine of not more than \$10,000.00, or both.

4 (5) If the prosecuting attorney intends to seek an enhanced
5 sentence based upon the defendant having 1 or more prior
6 convictions, the prosecuting attorney shall include on the
7 complaint and information a statement listing the prior conviction
8 or convictions. The existence of the defendant's prior conviction
9 or convictions shall be determined by the court, without a jury, at
10 sentencing or at a separate hearing for that purpose before
11 sentencing. The existence of a prior conviction may be established
12 by any evidence relevant for that purpose, including, but not
13 limited to, 1 or more of the following:

14 (a) A copy of the judgment of conviction.

15 (b) A transcript of a prior trial, plea-taking, or sentencing.

16 (c) Information contained in a presentence report.

17 (d) The defendant's statement.

18 (6) In any prosecution of a person under 18 years of age for
19 an offense punishable under this section or a local ordinance
20 substantially corresponding to an offense punishable under this
21 section, it shall be presumed that the person under 18 years of age
22 was coerced into child sexually abusive activity or commercial
23 sexual activity in violation of section 462e or otherwise forced or
24 coerced into committing that offense by another person engaged in
25 human trafficking in violation of sections 462a to 462h. The
26 prosecution may overcome this presumption by proving beyond a
27 reasonable doubt that the person was not forced or coerced into
28 committing the offense. The state ~~may~~**shall** petition the court to
29 find the person under 18 years of age to be dependent and in danger

1 of substantial physical or psychological harm under section 2(b)(3)
 2 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
 3 712A.2. A person under 18 years of age who fails to substantially
 4 comply with court-ordered services under section 2(b)(3) of chapter
 5 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not
 6 eligible for the presumption under this section.

7 (7) Excluding any reasonable period of detention for
 8 investigation purposes, a law enforcement officer who encounters a
 9 person under 18 years of age engaging in any conduct that would be
 10 a violation of section ~~448, 449, 450, 449(1), (2), (3), (4), or (6)~~
 11 or 462, or a local ordinance substantially corresponding to section
 12 ~~448, 449, 450, 449(1), (2), (3), (4), or (6)~~ or 462, if engaged in
 13 by a person ~~16~~ 18 years of age or over shall immediately report to
 14 the department of health and human services a suspected violation
 15 of human trafficking involving a person under 18 years of age in
 16 violation of sections 462a to 462h.

17 (8) The department of health and human services shall begin an
 18 investigation of a human trafficking violation reported to the
 19 department of health and human services under subsection (7) ~~within~~
 20 **not later than** 24 hours after the report is made to the department
 21 of health and human services, as provided in section 8 of the child
 22 protection law, 1975 PA 238, MCL 722.628. The investigation ~~shall~~
 23 **must** include a determination as to whether the person under 18
 24 years of age is dependent and in danger of substantial physical or
 25 psychological harm under section 2(b)(3) of chapter XIIIA of the
 26 probate code of 1939, 1939 PA 288, MCL 712A.2.

27 (9) As used in this section, "prior conviction" means a
 28 violation of ~~section~~ **former section** 448, 449, 449a(1), **or** 450, or
 29 **section 449 or** 462 or a violation of a law of another state or of a

political subdivision of this state or another state substantially corresponding to ~~section~~**former section** 448, 449, 449a(1), **or** 450, **or section 449** or 462.

Sec. 451a. Except as provided in section 451b, sections ~~448,~~ 449, ~~449a,~~ ~~450,~~ 451, and 459 do not apply to a law enforcement officer while in the performance of the officer's duties as a law enforcement officer.

Sec. 451c. (1) This section applies only if the violation described in subsection (2) was committed as a direct result of the individual being a victim of a human trafficking violation.

(2) When an individual pleads guilty to, or is found guilty of, a violation of section ~~448,~~ 449, ~~, 450,~~ or 462 or a local ordinance substantially corresponding to section ~~448,~~ 449, ~~, 450,~~ or 462, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer further proceedings and place the accused on probation as provided in this section. However, before deferring proceedings under this subsection, the court shall determine whether the accused has met the conditions described in subsection (1) as follows:

(a) The accused bears the burden of proving to the court by a preponderance of the evidence that the violation was a direct result of ~~his or her~~**the accused** being a victim of human trafficking.

(b) To prove that ~~he or she~~**the accused** is a victim of human trafficking, the accused shall state under oath that ~~he or she~~**the accused** meets the conditions described in subsection (1) with facts ~~supporting his or her~~**that support the accused's** claim that the violation was a direct result of being a victim of human trafficking.

(3) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in this chapter.

(4) An order of probation entered under subsection (2) may include any condition of probation authorized under section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, including, but not limited to, requiring the accused to participate in a mandatory counseling program. The court may order the accused to pay the reasonable costs of the mandatory counseling program. The court also may order the accused to participate in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to ~~600.1084~~. **600.1088**. The court may order the defendant to be imprisoned for not more than 93 days at a time or at intervals, which may be consecutive or nonconsecutive and ~~within~~ **not later than** the period of probation, as the court determines. However, the period of imprisonment must not exceed the maximum period of imprisonment authorized for the offense if the maximum period is less than 93 days. The court may permit day parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The court may permit a work or school release from jail.

(5) The court shall enter an adjudication of guilt and proceed as otherwise provided in this chapter if any of the following circumstances exist:

(a) The accused commits a violation of section ~~448, 449, 450,~~ or 462 or a local ordinance substantially corresponding to section ~~448, 449, 450,~~ or 462 during the period of probation.

(b) The accused violates an order of the court that ~~he or she~~ **the accused** receive counseling regarding ~~his or her~~ **the accused's** violent behavior.

1 (c) The accused violates an order of the court that ~~he or she~~
2 **the accused** have no contact with a named individual.

3 (6) Upon fulfillment of the terms and conditions, the court
4 shall discharge the person and dismiss the proceedings against the
5 person. Discharge and dismissal under this section must be without
6 adjudication of guilt and is not a conviction for purposes of this
7 section or for purposes of disqualifications or disabilities
8 imposed by law upon conviction of a crime.

9 (7) All court proceedings under this section must be open to
10 the public. Except as provided in subsection (8), if the record of
11 proceedings as to the defendant is deferred under this section, the
12 record of proceedings during the period of deferral must be closed
13 to public inspection.

14 (8) Unless the court enters a judgment of guilt under this
15 section, the department of state police shall retain a nonpublic
16 record of the arrest, court proceedings, and disposition of the
17 criminal charge under this section. However, the nonpublic record
18 must be open to the following individuals and entities for the
19 purposes noted:

20 (a) The courts of this state, law enforcement personnel, the
21 department of corrections, and prosecuting attorneys for use only
22 in the performance of their duties or to determine whether an
23 employee of the court, law enforcement agency, department of
24 corrections, or prosecutor's office has violated his or her
25 conditions of employment or whether an applicant meets criteria for
26 employment with the court, law enforcement agency, department of
27 corrections, or prosecutor's office.

28 (b) Prosecuting attorneys for informing consent under
29 subsection (2).

(c) The department of health and human services for enforcing child protection laws and vulnerable adult protection laws or ascertaining the preemployment criminal history of any individual who will be engaged in the enforcement of child protection laws or vulnerable adult protection laws.

(9) As used in this section, "human trafficking violation" means a violation of chapter LXVIIA.

Sec. 452. A person who keeps, maintains, or operates ~~, or aids and abets in keeping, maintaining, or operating,~~ a house, ~~of ill-fame, bawdy house, or any house~~ **vehicle**, or **other** place resorted to for the purpose of ~~prostitution or lewdness~~ **commercial sexual activity** is guilty of a felony punishable by imprisonment for not more than 5 years, ~~or~~ by a fine of not more than \$5,000.00, or both.

Sec. 453. A person shall not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate upon an investigation, proceeding, or trial for a violation of this chapter on the ground that the testimony or evidence may tend to ~~degrade or~~ incriminate the person. Truthful testimony, evidence, or other truthful information ~~compelled~~ **elicited** under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required.

Sec. 454. Any person who ~~shall let any dwelling~~ **rents a house, room, or vehicle** knowing that the ~~lessee~~ **person to whom the house, room, or vehicle is rented** intends to use it ~~as a house of ill-fame~~

~~or place of resort for the purpose of prostitution and lewdness, or~~
~~for the purpose of gambling for money or other property, for~~
commercial sexual activity, or who ~~shall knowingly permit such~~
~~lessee to use the same for such purpose, permits the person to whom~~
the house, room, or vehicle was rented to use the house, room, or
vehicle for commercial sexual activity, or who ~~shall receive any~~
receives rent **or any other consideration** for any ~~dwelling, house,~~
~~room, or apartment which is~~ **vehicle that is** used as a house of ill-
~~fame or place of resort for prostitutes, or for the purpose of~~
~~prostitution and lewdness, or for the purpose of gambling for money~~
~~or other property, having reasonable cause to believe such house,~~
~~room, or apartment is used for any such purpose, for commercial~~
sexual activity, is guilty of a misdemeanor punishable by
imprisonment for not more than 6 months or a fine of not more than
\$750.00. However, ~~no a person shall be~~ **is not** liable for receiving
rent ~~as aforesaid under this section~~ for any period ~~prior to the~~
~~time when he or she has~~ **before the person had** reasonable cause to
believe that ~~such the house, room, or apartment~~ **vehicle** is used for
any such purpose. **commercial sexual activity.**

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

(a) ~~Procures an inmate for a house of prostitution.~~ **occupant**
for a house, vehicle, or other place in which commercial sexual
activity is practiced, encouraged, or allowed.

(b) ~~Induces, persuades, encourages, inveigles, or entices a~~
~~person to become a prostitute.~~ **provider of commercial sexual**
activity.

(c) By promise, threat, or violence, or by any device or
scheme, causes, induces, persuades, encourages, takes, places,

1 harbors, ~~inveigles,~~ or entices a person to become an inmate of a
 2 house, ~~of prostitution or assignation place~~ **vehicle**, or any **other**
 3 place ~~where prostitution~~ **in which commercial sexual activity** is
 4 practiced, encouraged, or allowed.

5 (d) By any promise or threat, or by violence or any device or
 6 scheme, causes, induces, persuades, encourages, ~~inveigles,~~ or
 7 entices an ~~inmate~~ **occupant** of a house, ~~of prostitution~~ **vehicle**, or
 8 **other** place ~~of assignation~~ **in which commercial sexual activity is**
 9 **practiced, encouraged, or allowed** to remain there as an
 10 ~~inmate~~ **occupant**.

11 (e) By any promise or threat, or by violence, any device or
 12 scheme, fraud or artifice, or by duress of person or goods, or by
 13 abuse of any position of confidence or authority, or having legal
 14 charge, takes, places, harbors, ~~inveigles,~~ entices, persuades,
 15 encourages, or procures any person to ~~engage in~~
 16 ~~prostitution~~ **provide commercial sexual activity**.

17 (f) ~~Inveigles, entices,~~ **Entices**, persuades, encourages, or
 18 procures any person to come into this state or to leave this state
 19 for the purpose of ~~prostitution~~ **providing commercial sexual**
 20 **activity**.

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

23 (h) Receives or gives, or agrees to receive or give, any money
 24 or thing of value for procuring or attempting to procure any person
 25 to ~~become a prostitute~~ **provide commercial sexual activity** or to
 26 come into this state or leave this state for the purpose of
 27 ~~prostitution~~ **a commercial sexual activity**.

28 Sec. 456. Any person who by force, fraud, intimidation, or
 29 threat places or leaves, or procures any other person to place or

1 leave, ~~his or her the person's~~ spouse in a house, ~~of prostitution~~
 2 ~~or to lead a life of prostitution,~~ **vehicle, or other place in which**
 3 **commercial sexual activity is practiced, encouraged, or allowed, or**
 4 **to provide commercial sexual activity,** is guilty of a felony
 5 punishable by imprisonment for not more than 20 years.

6 Sec. 457. (1) Any person who knowingly accepts, receives,
 7 levies, or appropriates any money or valuable thing without
 8 consideration from the proceeds of the earnings of any person
 9 ~~engaged in prostitution,~~ **providing commercial sexual activity,** or
 10 any person, knowing a person to be ~~a prostitute,~~ **providing**
 11 **commercial sexual activity,** who lives or derives support or
 12 maintenance, in whole or in part, from the earnings or proceeds of
 13 the ~~prostitution of a prostitute,~~ **person providing commercial**
 14 **sexual activity,** or from money loaned or advanced to or charged
 15 against a ~~prostitute~~ **person providing commercial sexual activity** by
 16 any keeper or manager or ~~inmate~~ **occupant** of a house, **vehicle,** or
 17 other place ~~where prostitution~~ **in which commercial sexual activity**
 18 **is practiced, encouraged,** or allowed, is guilty of a felony
 19 punishable by imprisonment for not more than 20 years.

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

23 Sec. 458. Any person who attempts to detain ~~any another~~ person
 24 in a ~~disorderly house,~~ **vehicle,** or ~~house of prostitution~~ **other**
 25 **place in which commercial sexual activity is practiced, encouraged,**
 26 **or allowed** because of ~~any a~~ debt or debts the **other** person has
 27 contracted, or is said to have contracted while ~~living in that~~
 28 ~~house,~~ **there,** is guilty of a felony punishable by imprisonment for
 29 not less than 2 years or more than 20 years.

1 Sec. 459. (1) A person shall not knowingly transport or cause
 2 to be transported, or aid or assist in obtaining transportation
 3 for, by any means of conveyance, into, through, or across this
 4 state, any person for the purpose of ~~prostitution~~**commercial sexual**
 5 **activity** or with the intent and purpose to induce, entice, or
 6 compel that person to become a ~~prostitute~~**provider of commercial**
 7 **sexual activity**. A person who violates this subsection is guilty of
 8 a felony punishable by imprisonment for not more than 20 years, ~~or~~
 9 a fine of not more than \$20,000.00, or both.

10 (2) A person shall not knowingly sell or offer to sell travel
 11 services that include or facilitate travel for the purpose of
 12 engaging in ~~what~~**conduct that** would be a violation of this chapter,
 13 concerning ~~prostitution~~**commercial sexual activity**, or of chapter
 14 LXVIIIA, concerning human trafficking, if the violation occurred in
 15 this state. Except as provided in subsection (3), a person who
 16 violates this subsection is guilty of a felony punishable by
 17 imprisonment for not more than 5 years, ~~or~~ a fine of not more than
 18 \$10,000.00, or both.

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

23 (4) A person who violates this section may be prosecuted,
 24 indicted, tried, and convicted in any county or city in or through
 25 which ~~he or she shall transport~~**the person transports** or ~~attempt~~
 26 **attempts** to transport ~~any another~~ person in violation of this
 27 section.

28 (5) As used in this section, "travel services" means
 29 transportation by air, sea, or ground, hotel or other lodging

1 accommodations, package tours, or the provision of vouchers or
 2 coupons to be redeemed for future travel, or accommodations for a
 3 fee, commission, or other valuable consideration.

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

7 (2) A person who violates this chapter may be tried and
 8 punished in any county in which the ~~prostitution~~ **commercial sexual**
 9 **activity** was intended to be ~~practiced, or in which the offense was~~
 10 ~~consummated,~~ **provided or obtained**, or in which any overt act in
 11 furtherance of the offense was committed.

12 Sec. 462. A person who, for a purpose other than ~~prostitution,~~
 13 **commercial sexual activity**, takes or conveys to, or employs,
 14 receives, detains, or allows a person ~~16-18~~ years of age or less to
 15 remain in, a house, ~~of prostitution, house of ill fame, bawdy-~~
 16 ~~house, house of assignation, or any house~~ **vehicle**, or **other** place
 17 ~~for the resort of prostitutes or other disorderly persons in which~~
 18 **commercial sexual activity is practiced, encouraged, or allowed** is
 19 guilty of a crime punishable as provided in section 451.

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

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

27 (b) The person is convicted of, or found responsible for, a
 28 felony or attempted felony, or any of the following misdemeanors or
 29 local ordinances that are substantially corresponding to the

1 following misdemeanors:

2 (i) A violation of section 167(1)(c), (f), or (i), disorderly
 3 person by window peeping, engaging in indecent or obscene conduct
 4 in public, or loitering in a house, ~~of ill fame or~~
 5 ~~prostitution-vehicle, or other place resorted to for the purpose of~~
 6 **commercial sexual activity.**

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

8 (iii) A violation punishable under section ~~451(1) or (2), first~~
 9 ~~and second prostitution violations.~~ **451 for detaining a person less**
 10 **than 18 years of age for purposes of commercial sexual activity.**

11 (iv) A violation of section 454, ~~leasing~~ **renting** a house, **room,**
 12 **or vehicle** for purposes of ~~prostitution.~~ **commercial sexual activity.**

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

21 (3) The county sheriff or the investigating law enforcement
 22 agency shall collect and transmit the samples in the manner
 23 required under the DNA identification profiling system act, 1990 PA
 24 250, MCL 28.171 to 28.176.

25 (4) An investigating law enforcement agency, prosecuting
 26 agency, or court that has in its possession a DNA identification
 27 sample obtained from a person under subsection (1) shall forward
 28 the DNA identification sample to the department of state police
 29 after the person from whom the sample was taken has been charged

1 with committing or attempting to commit a felony offense or an
2 offense that would be a felony if committed by an adult unless the
3 department of state police already has a DNA identification profile
4 of the person.

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

10 (6) An assessment required under subsection (5) ~~shall~~**must** be
11 ordered ~~upon~~**on** the record, and ~~shall~~**must** be listed separately in
12 the adjudication order, judgment of sentence, or order of
13 probation.

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

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

24 (a) Twenty-five percent to the county sheriff or other
25 investigating law enforcement agency that collected the DNA sample
26 as designated by the court to defray the costs of collecting DNA
27 samples.

28 (b) Sixty-five percent to the state treasurer for deposit in
29 the justice system fund created in section 181 of the revised

1 judicature act of 1961, 1961 PA 236, MCL 600.181.

2 (9) As used in this section:

3 (a) "DNA identification profile" and "DNA identification
4 profiling" mean those terms as defined in section 2 of the DNA
5 identification profiling system act, 1990 PA 250, MCL 28.172.

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

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

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

17 Enacting section 1. Section 449a of the Michigan penal code,
18 1931 PA 328, MCL 750.449a, is repealed.

19 Enacting section 2. This amendatory act takes effect 90 days
20 after the date it is enacted into law.

21 Enacting section 3. This amendatory act does not take effect
22 unless all of the following bills of the 103rd Legislature are
23 enacted into law:

24 (a) House Bill No. 5017 (request no. H04060'25 a).

25 (b) House Bill No. 5018 (request no. H04060'25 b).

26 (c) House Bill No. 5019 (request no. H04060'25 c).

27 (d) House Bill No. 5015 (request no. H04060'25 d).

28 (e) House Bill No. 5014 (request no. H04060'25 e).

29 (f) House Bill No. 5028 (request no. H04060'25 f).

- 1 (g) House Bill No. 5020 (request no. H04060'25 g).
- 2 (h) House Bill No. 5021 (request no. H04060'25 h).
- 3 (i) House Bill No. 5027 (request no. H04060'25 i).
- 4 (j) House Bill No. 5022 (request no. H04060'25 j).
- 5 (k) House Bill No. 5023 (request no. H04060'25 k).
- 6 (l) House Bill No. 5024 (request no. H04060'25 l).
- 7 (m) House Bill No. 5025 (request no. H04060'25 m).
- 8 (n) House Bill No. 5026 (request no. H04060'25 n).