

SENATE BILL NO. 524

September 04, 2025, Introduced by Senators WEBBER, DAMOOSE and BAYER and referred to Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 448, 449, 450, 451, 454, and 462 (MCL 750.448, 750.449, 750.450, 750.451, 750.454, and 750.462), 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, and section 454 as amended by 2002 PA 672.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 448. A person ~~16~~**18** years of age or older who accosts,
- 2 solicits, or invites another person in a public place or in or from

1 a building or vehicle, by word, gesture, or any other means, to
2 commit prostitution or to do any other lewd or immoral act, is
3 guilty of a crime punishable as provided in section 451.

4 Sec. 449. A person ~~16~~**18** years of age or older who receives or
5 admits or offers to receive or admit a person into a place,
6 structure, house, building, or vehicle for the purpose of
7 prostitution, lewdness, or assignation, or who knowingly permits a
8 person to remain in a place, structure, house, building, or vehicle
9 for the purpose of prostitution, lewdness, or assignation, is
10 guilty of a crime punishable as provided in section 451.

11 Sec. 450. A person ~~16~~**18** years of age or older who aids,
12 assists, or abets another person to commit or offer to commit an
13 act prohibited under section 448, 449, or 449a is guilty of a crime
14 punishable as provided in section 451.

15 Sec. 451. (1) Except as otherwise provided in this section, a
16 person convicted of violating section 448, 449, 449a(1), 450, **454**,
17 or 462 is guilty of a misdemeanor punishable by imprisonment for
18 not more than 93 days or a fine of not more than ~~\$500.00,~~
19 **\$1,000.00**, or both.

20 (2) A person ~~16~~**18** years of age or older who is convicted of
21 violating section 448, 449, 449a(1), 450, **454**, or 462 and who has 1
22 prior conviction is guilty of a misdemeanor punishable by
23 imprisonment for not more than 1 year or a fine of not more than
24 ~~\$1,000.00,~~**\$2,000.00**, or both.

25 (3) A person convicted of violating section 448, 449, 449a(1),
26 450, **454**, or 462 and who has 2 or more prior convictions is guilty
27 of a felony punishable by imprisonment for not more than ~~2~~**5** years
28 or a fine of not more than ~~\$2,000.00,~~**\$4,000.00**, or both.

29 (4) A person convicted of violating section 449a(2) is guilty

1 of a felony punishable by imprisonment for not more than ~~5~~**20** years
2 or a fine of not more than ~~\$10,000.00, \$100,000.00~~, or both.

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

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

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

15 (c) Information contained in a presentence report.

16 (d) The defendant's statement.

17 **(6) A person who has not been convicted previously of a**
18 **violation of section 448, 449, 449a(1), 450, or 462, or under any**
19 **statute of the United States or any state substantially**
20 **corresponding to the laws of this state, pleads guilty to, or is**
21 **found guilty of, a violation of section 448, 449, 449a(1), 450, or**
22 **462, the court, without entering a judgment of guilt and with the**
23 **consent of the prosecuting attorney, may defer further proceedings**
24 **and place the defendant on probation with lawful terms and**
25 **conditions. An order of probation entered under this subsection**
26 **must require the accused to participate in a mandatory human**
27 **trafficking awareness program. The court may order the accused to**
28 **pay the reasonable costs of the mandatory human trafficking**
29 **awareness program. The terms and conditions of probation may also**

1 include participation in a drug treatment court under chapter 10A
2 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1060 to
3 600.1088. Upon a violation of a term or condition of probation, the
4 court may enter an adjudication of guilt and proceed as otherwise
5 provided. Upon fulfillment of the terms and conditions of
6 probation, the court shall discharge from probation and dismiss the
7 proceedings against the defendant. Discharge and dismissal under
8 this subsection shall be without adjudication of guilt and are not
9 a conviction for purposes of disqualifications or disabilities
10 imposed by law upon conviction of a crime, including any additional
11 penalties imposed for second or subsequent convictions. An
12 individual may receive only 1 discharge and dismissal under this
13 section.

14 (7) ~~(6)~~—In any prosecution of a person under 18 years of age
15 for an offense punishable under this section or a local ordinance
16 substantially corresponding to an offense punishable under this
17 section, it shall be presumed that the person under 18 years of age
18 was coerced into child sexually abusive activity or commercial
19 sexual activity in violation of section 462e or otherwise forced or
20 coerced into committing that offense by another person engaged in
21 human trafficking in violation of sections 462a to 462h. The
22 prosecution may overcome this presumption by proving beyond a
23 reasonable doubt that the person was not forced or coerced into
24 committing the offense. The state may petition the court to find
25 the person under 18 years of age to be dependent and in danger of
26 substantial physical or psychological harm under section 2(b)(3) of
27 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.
28 ~~A person under 18 years of age who fails to substantially comply~~
29 ~~with court ordered services under section 2(b)(3) of chapter XIIA~~

~~of the probate code of 1939, 1939 PA 288, MCL 712A.2, is not eligible for the presumption under this section.~~

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

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

(10) ~~(9)~~—As used in this section, "prior conviction" means a violation of section 448, 449, 449a(1), 450, **455, or 462, 462b, 462c, 462d, or 462e** or a violation of a law of another state or of a political subdivision of this state or another state substantially corresponding to section 448, 449, 449a(1), 450, **455, or 462, 462b, 462c, 462d, or 462e.**

Sec. 454. Any person who ~~shall let any~~ **rents a** dwelling, house, **room, or apartment**, knowing that the lessee intends to use

1 it as a house of ill-fame or place of resort for the purpose of
 2 prostitution and lewdness, or for the purpose of gambling for money
 3 or other property, or who shall knowingly permit such lessee to use
 4 the same for such purpose, or who shall receive any rent **or payment**
 5 for any dwelling, house, room, or apartment ~~which-that~~ is used as a
 6 house of ill-fame or place of resort for prostitutes, or for the
 7 purpose of prostitution and lewdness, or for the purpose of
 8 gambling for money or other property, having reasonable cause to
 9 believe such **dwelling**, house, room, or apartment is used for any
 10 such purpose, is guilty of a ~~misdemeanor punishable by imprisonment~~
 11 ~~for not more than 6 months or a fine of not more than \$750.00.~~
 12 **crime punishable as provided in section 451.** However, ~~no-a~~ person
 13 ~~shall be-is not~~ liable for receiving rent ~~as aforesaid for any~~
 14 ~~period prior to the time when he or she has~~ **or payment under this**
 15 **section before the person had** reasonable cause to believe that such
 16 **dwelling**, house, room, or apartment is used for any such purpose.

17 Sec. 462. A person who, for a purpose other than prostitution,
 18 takes or conveys to, or employs, receives, detains, or allows a
 19 person ~~16-18~~ years of age or less to remain in, a house of
 20 prostitution, house of ill-fame, bawdy-house, house of assignation,
 21 or any house or place for the resort of prostitutes or other
 22 disorderly persons is guilty of a crime punishable as provided in
 23 section 451.

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