

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5158**

A bill to create the human trafficking commission act; to prescribe the membership of the human trafficking commission; and to prescribe the duties and responsibilities of the human trafficking commission.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the "human  
2 trafficking commission act".

3           Sec. 2. As used in this act:

4           (a) "Commission" means the human trafficking commission  
5 established in section 3.

6           (b) "Human trafficking" means a violation of chapter LXVIIIA of  
7 the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

8           Sec. 3. (1) The human trafficking commission is established  
9 within the department of attorney general. The commission shall

1 include all of the following members:

2 (a) The governor or his or her designated representative from  
3 within the office of the governor.

4 (b) The state attorney general or his or her designated  
5 representative from within the department of attorney general.

6 (c) The director of the department of state police or his or  
7 her designated representative from within the department of state  
8 police.

9 (d) The director of the department of human services or his or  
10 her designated representative from within the department of human  
11 services.

12 (e) The director of the department of community health or his  
13 or her designated representative from within the department of  
14 community health.

15 (f) The director of the department of licensing and regulatory  
16 affairs or his or her designated representative from within the  
17 department of licensing and regulatory affairs.

18 (g) Two individuals appointed by the governor from a list of  
19 individuals submitted by the senate majority leader.

20 (h) Two individuals appointed by the governor from a list of  
21 individuals submitted by the speaker of the house of  
22 representatives.

23 (i) One individual who is a circuit court judge who serves in  
24 family court and who is appointed by the governor from a list of 3  
25 individuals submitted by the Michigan judges association or its  
26 successor organization. The individuals on the list submitted by  
27 the Michigan judges association or its successor organization shall

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1 be members of the Michigan judges association or its successor  
2 organization.

3 (j) One individual who is a county prosecuting attorney and  
4 who is appointed by the governor from a list of 3 individuals  
5 submitted by the prosecuting attorneys association of Michigan or  
6 its successor organization. The individuals on the list submitted  
7 by the prosecuting attorneys association of Michigan or its  
8 successor organization shall be members of the prosecuting  
9 attorneys association of Michigan or its successor organization.

10 (k) One individual who represents the interests of law  
11 enforcement and who is appointed by the governor from a list of 3  
12 individuals submitted by the Michigan association of chiefs of  
13 police or its successor organization. The individuals on the list  
14 submitted by the Michigan association of chiefs of police or its  
15 successor organization shall be members of the Michigan association  
16 of chiefs of police or its successor organization.

17 (l) Two individuals who <<have survived human trafficking

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18  
19 and who are appointed by the governor.

20 (2) The members first appointed to the board under subsection  
21 (1)(g) to (l) shall be appointed within 90 days after the effective  
22 date of this act.

23 (3) Members of the commission shall serve as follows:

24 (a) Members of the commission appointed under subsection  
25 (1)(a) to (f) shall serve until a successor is appointed.

26 (b) Members of the commission appointed under subsection  
27 (1)(g) to (l) shall serve for a term of 2 years or until a successor

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1 is appointed, whichever is later.

2 (c) An individual appointed under subsection (1)(i) to (k)  
3 shall serve only while he or she is a member of the organization  
4 that submitted his or her name for membership on the commission.

5 (d) An individual may be reappointed for additional terms.

6 (4) If a vacancy occurs on the commission, the appointing  
7 authority shall make an appointment for the unexpired term in the  
8 same manner as the original appointment.

9 (5) The appointing authority may remove the member it  
10 appointed to the commission for incompetence, dereliction of duty,  
11 malfeasance, misfeasance, nonfeasance in office, or any other good  
12 cause.

13 (6) The first meeting of the commission shall be called within  
14 180 days after the effective date of this act. Before this first  
15 meeting, the governor shall appoint the chairperson of the  
16 <<commission>> from among the members listed in subsection (1). At the  
17 first meeting, the commission shall elect from among its members a  
18 << >> vice-chairperson and other officers as it considers  
19 necessary or appropriate who shall serve for 1-year terms and who  
20 may be reelected. After the first meeting, the commission shall  
21 meet at least 4 times each year, or more frequently at the call of  
22 the chairperson or as otherwise agreed upon in the bylaws.

23 (7) The commission shall adopt bylaws for the operation of the  
24 commission. The bylaws shall, at a minimum, address the procedures  
25 for conducting meetings, including voting procedures, and the  
26 requirements of its members to attend meetings.

27 (8) A majority of the members of the commission appointed and

1 serving constitute a quorum for the transaction of business at a  
2 meeting of the commission. A majority of the members present and  
3 serving are required for the official action of the commission.

4 (9) The business that the commission may perform shall be  
5 conducted at a public meeting of the commission held in compliance  
6 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.  
7 However, members of the commission may attend and participate in a  
8 meeting of the commission by the use of telecommunication or other  
9 electronic equipment if their attendance and participation by the  
10 use of telecommunication or other electronic equipment is  
11 authorized by the bylaws of the commission and that meeting is  
12 otherwise conducted in compliance with the open meetings act, 1976  
13 PA 267, MCL 15.261 to 15.275.

14 (10) A writing prepared, owned, used, in the possession of, or  
15 retained by the commission in the performance of an official  
16 function is subject to the freedom of information act, 1976 PA 442,  
17 MCL 15.231 to 15.246.

18 (11) Members of the commission shall serve without  
19 compensation. However, members of the commission may be reimbursed  
20 for their actual and necessary expenses incurred in the performance  
21 of their official duties as members of the commission.

22 Sec. 4. The commission shall do all of the following subject  
23 to funding:

24 (a) Identify sources for grants that will assist in examining  
25 and countering human trafficking in this state, and apply for those  
26 grants when appropriate.

27 (b) Fund research programs to determine the extent and nature

1 of human trafficking in this state.

2 (c) Provide information and training regarding human  
3 trafficking to police officers, prosecutors, court personnel,  
4 health care providers, social services personnel, and other  
5 individuals the commission considers appropriate.

6 (d) Collect and analyze information regarding human  
7 trafficking in this state.

8 (e) Identify state and local agencies within this state and  
9 other states, as well as within the federal government, that are  
10 involved with issues relating to human trafficking, and coordinate  
11 the dissemination of information regarding human trafficking in  
12 this state to those agencies.

13 (f) Review the existing services available to assist victims  
14 of human trafficking, including crime victim assistance, health  
15 care, and legal assistance, and establish a program to make those  
16 victims better aware of the services that are available to them.

17 (g) Establish a program to improve public awareness of human  
18 trafficking.

19 (h) Review existing state laws and administrative rules  
20 relating to human trafficking and make recommendations to the  
21 legislature to improve those laws and rules to address human  
22 trafficking violations in this state.

23 (i) File an annual report with the governor, the secretary of  
24 the senate, and the clerk of the house of representatives regarding  
25 its activities under this act. The report shall be filed not later  
26 than February 1 of the year following the year for which the report  
27 is due.

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1           Sec. 5. (1) The human trafficking commission fund is created  
2 within the department of treasury. The fund shall be administered  
3 by the department of attorney general.

4           (2) The state treasurer may receive money or other assets from  
5 any source for deposit into the fund. The state treasurer shall  
6 direct the investment of the fund. The state treasurer shall credit  
7 to the fund interest and earnings from fund investments.

8           (3) Money in the human trafficking commission fund shall be  
9 expended only upon appropriation and only in a manner to carry out  
10 the purposes set forth in this act. Money in the fund at the close  
11 of the fiscal year is considered a work project, shall remain in  
12 the fund, and shall not lapse to the general fund.

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

15           <<Enacting section 2. This act does not take effect unless all of  
16 the following bills of the 97th Legislature are enacted into law:  
    (a) Senate Bill No. 596.  
    (b) House Bill No. 5234.>>