

Act No. 119
Public Acts of 2018
Approved by the Governor
April 25, 2018
Filed with the Secretary of State
April 26, 2018
EFFECTIVE DATE: July 25, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Cox, Alexander, Marino, Webber, Howell, Kahle, Cochran, Glenn and Canfield

ENROLLED HOUSE BILL No. 5438

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 462a (MCL 750.462a), as amended by 2014 PA 329.

The People of the State of Michigan enact:

Sec. 462a. As used in this chapter:

(a) “Bodily injury” means any physical injury.

(b) “Coercion” includes, but is not limited to, any of the following:

(i) Threatening to harm or physically restrain any individual or the creation of any scheme, plan, or pattern intended to cause an individual to believe that failure to perform an act would result in psychological, reputational, or financial harm to, or physical restraint of, any individual.

(ii) Abusing or threatening abuse of the legal system, including threats of arrest or deportation without regard to whether the individual being threatened is subject to arrest or deportation under the laws of this state or the United States.

(iii) Knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document or any other actual or purported government identification document from any individual without regard to whether the documents are fraudulent or fraudulently obtained.

(iv) Facilitating or controlling an individual’s access to a controlled substance, as that term is defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104, other than for a legitimate medical purpose.

(c) “Commercial sexual activity” means 1 or more of the following for which anything of value is given or received by any person:

(i) An act of sexual penetration or sexual contact as those terms are defined in section 520a.

(ii) Any conduct prohibited under section 145c.

(iii) Any sexually explicit performance as that term is defined in section 3 of 1978 PA 33, MCL 722.673.

(d) “Debt bondage” includes, but is not limited to, the status or condition of a debt arising from a pledge by the debtor of his or her personal services or those of an individual under his or her control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not specifically limited and defined.

(e) "Financial harm" means any of the following:

(i) Conduct prohibited under section 1 of 1968 PA 259, MCL 438.41.

(ii) Extortion.

(iii) Employment contracts that violate 1978 PA 390, MCL 408.471 to 408.490.

(iv) Any other adverse financial consequence.

(f) "Force" includes, but is not limited to, physical violence or threat of physical violence or actual physical restraint or confinement or threat of actual physical restraint or confinement without regard to whether injury occurs.

(g) "Forced labor or services" means labor or services that are obtained or maintained by force, fraud, or coercion.

(h) "Fraud" includes, but is not limited to, a false or deceptive offer of employment or marriage.

(i) "Labor" means work of economic or financial value.

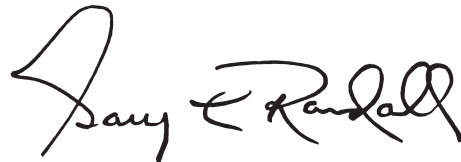
(j) "Minor" means an individual under 18 years of age.

(k) "Serious bodily injury" means any physical injury requiring medical treatment, regardless of whether the victim seeks medical treatment.

(l) "Services" means an ongoing relationship between a person and an individual in which the individual performs activities under the supervision of or for the benefit of the person, including, but not limited to, commercial sexual activity and sexually explicit performances.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor