

SUBSTITUTE FOR
HOUSE BILL NO. 5449

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 145b, 448, 449, 450, and 462 (MCL 750.145b,
750.448, 750.449, 750.450, and 750.462).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 145b. (1) ~~Any~~ A person ~~who shall be adjudged guilty~~
2 ~~a second or any subsequent time of a violation of the preceding~~
3 CONVICTED OF VIOLATING section ~~of this act, the offense being~~
4 ~~charged as a second or subsequent offense, shall be~~ 145A WHO HAS
5 1 OR MORE PRIOR CONVICTIONS IS guilty of a felony PUNISHABLE BY
6 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
7 THAN \$10,000.00, OR BOTH.

8 (2) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED
9 SENTENCE BASED UPON THE DEFENDANT HAVING 1 OR MORE PRIOR
10 CONVICTIONS, THE PROSECUTING ATTORNEY SHALL INCLUDE ON THE

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1 COMPLAINT AND INFORMATION A STATEMENT LISTING THE PRIOR
2 CONVICTION OR CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S
3 PRIOR CONVICTION OR CONVICTIONS SHALL BE DETERMINED BY THE COURT,
4 WITHOUT A JURY, AT SENTENCING OR AT A SEPARATE HEARING FOR THAT
5 PURPOSE BEFORE SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION
6 MAY BE ESTABLISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE,
7 INCLUDING, BUT NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

8 (A) A COPY OF THE JUDGMENT OF CONVICTION.

9 (B) A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR
10 SENTENCING.

11 (C) INFORMATION CONTAINED IN A PRESENTENCE REPORT.

12 (D) THE DEFENDANT'S STATEMENT.

13 (3) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A VIO-
14 LATION OF SECTION 145A OR A VIOLATION OF A LAW OF ANOTHER STATE
15 OR OF A POLITICAL SUBDIVISION OF ANOTHER STATE SUBSTANTIALLY COR-
16 RESPONDING TO SECTION 145A.

17 Sec. 448. ~~Any~~ A person ~~, male or female,~~ 16 years of
18 age or older ~~,~~ who ~~shall accost~~ ACCOSTS, ~~solicit~~ SOLICITS,
19 or ~~invite~~ INVITES another PERSON in ~~any~~ A public place ~~,~~ or
20 in or from ~~any~~ A building or vehicle, by word, gesture, or any
21 other means, to commit prostitution or to do any other lewd or
22 immoral act, ~~shall be~~ IS guilty of a ~~misdemeanor~~ CRIME PUN-
23 ISHABLE AS PROVIDED IN SECTION 451.

24 Sec. 449. ~~Any~~ A person ~~, male or female,~~ 16 years of
25 age or older ~~,~~ who ~~shall receive~~ RECEIVES or ~~admit~~ ADMITS
26 or ~~offer~~ OFFERS to receive or admit ~~any~~ A person into ~~any~~ A
27 place, structure, house, building, or vehicle for the purpose of

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1 prostitution, lewdness, or assignation, or who ~~shall~~ knowingly
2 ~~permit any~~ PERMITS A person to remain in ~~any such place~~ A
3 PLACE, STRUCTURE, HOUSE, BUILDING, OR VEHICLE for ~~any such~~ THE
4 purpose OF PROSTITUTION, LEWDNESS, OR ASSIGNATION, ~~shall be~~ IS
5 guilty of a ~~misdemeanor~~ CRIME PUNISHABLE AS PROVIDED IN SECTION
6 451.

7 Sec. 450. ~~Any~~ A person ~~, male or female, 17~~ 16 years of
8 age or older ~~,~~ who ~~shall aid, assist or abet~~ AIDS, ASSISTS,
9 OR ABETS another PERSON to commit ~~,~~ or offer to commit ~~, any~~
10 AN act prohibited ~~by sections~~ UNDER SECTION 448, ~~or~~ 449,
11 ~~shall be~~ OR 462 IS guilty of a ~~misdemeanor~~ CRIME PUNISHABLE
12 AS PROVIDED IN SECTION 451.

13 Sec. 462. ~~Female under 17 years of age not to be employed~~
14 ~~or remain, etc., in house of prostitution--Any~~ A person who, for
15 ~~any~~ A purpose ~~whatever,~~ other than prostitution, ~~shall take~~
16 ~~or convey~~ TAKES OR CONVEYS to, or ~~employ, receive, detain or~~
17 ~~suffer~~ EMPLOYS, RECEIVES, DETAINS, OR ALLOWS A PERSON 16 YEARS
18 OF AGE OR LESS to remain in, ~~any~~ A house of prostitution, house
19 of ill-fame, bawdy-house, house of assignation, or ~~in~~ any house
20 or place for the resort of prostitutes or other disorderly per-
21 sons ~~, any female of the age of 17 years or under, shall be~~ IS
22 guilty of a ~~misdemeanor~~ CRIME PUNISHABLE AS PROVIDED IN SECTION
23 451.

24 Enacting section 1. This amendatory act takes effect
25 March 1, 2002.