

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5449

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 145a, 145b, and 448 (MCL 750.145a, 750.145b,
and 750.448).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 145a. ~~Accosting, enticing or soliciting child. Any~~
2 A person who ~~shall accost, entice, or solicit~~ ACCOSTS, ENTICES,
3 OR SOLICITS a child ~~under the age of~~ LESS THAN 16 years OF AGE,
4 REGARDLESS OF WHETHER THE PERSON KNOWS THE INDIVIDUAL IS A CHILD
5 OR KNOWS THE ACTUAL AGE OF THE CHILD, OR AN INDIVIDUAL WHOM HE OR
6 SHE BELIEVES IS A CHILD LESS THAN 16 YEARS OF AGE with THE intent
7 to induce or force ~~said~~ THAT child OR INDIVIDUAL to commit an
8 immoral act, ~~or~~ to submit to an act of sexual intercourse ~~,~~
9 or an act of gross indecency, or TO any other act of depravity or
10 delinquency, or ~~shall suggest to such~~ WHO ENCOURAGES A child

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1 LESS THAN 16 YEARS OF AGE, REGARDLESS OF WHETHER THE PERSON KNOWS
2 THE INDIVIDUAL IS A CHILD OR KNOWS THE ACTUAL AGE OF THE CHILD,
3 OR AN INDIVIDUAL WHOM HE OR SHE BELIEVES IS A CHILD LESS THAN 16
4 YEARS OF AGE TO ENGAGE IN any of ~~the aforementioned~~ THOSE acts
5 ~~, shall on conviction thereof be deemed~~ IS guilty of a
6 ~~misdemeanor,~~ FELONY punishable by imprisonment ~~in the county~~
7 ~~jail~~ for not more than ~~1 year~~ 4 YEARS OR A FINE OF NOT MORE
8 THAN \$4,000.00, OR BOTH.

9 Sec. 145b. (1) ~~Any~~ A person ~~who shall be adjudged guilty~~
10 ~~a second or any subsequent time of a violation of the preceding~~
11 CONVICTED OF VIOLATING section ~~of this act, the offense being~~
12 ~~charged as a second or subsequent offense, shall be~~ 145A WHO HAS
13 1 OR MORE PRIOR CONVICTIONS IS guilty of a felony PUNISHABLE BY
14 IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF NOT MORE
15 THAN \$10,000.00, OR BOTH.

16 (2) IF THE PROSECUTING ATTORNEY INTENDS TO SEEK AN ENHANCED
17 SENTENCE BASED UPON THE DEFENDANT HAVING 1 OR MORE PRIOR CONVIC-
18 TIONS, THE PROSECUTING ATTORNEY SHALL INCLUDE ON THE COMPLAINT
19 AND INFORMATION A STATEMENT LISTING THE PRIOR CONVICTION OR
20 CONVICTIONS. THE EXISTENCE OF THE DEFENDANT'S PRIOR CONVICTION
21 OR CONVICTIONS SHALL BE DETERMINED BY THE COURT, WITHOUT A JURY,
22 AT SENTENCING OR AT A SEPARATE HEARING FOR THAT PURPOSE BEFORE
23 SENTENCING. THE EXISTENCE OF A PRIOR CONVICTION MAY BE ESTAB-
24 LISHED BY ANY EVIDENCE RELEVANT FOR THAT PURPOSE, INCLUDING, BUT
25 NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

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

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1 (B) A TRANSCRIPT OF A PRIOR TRIAL, PLEA-TAKING, OR
2 SENTENCING.

3 (C) INFORMATION CONTAINED IN A PRESENTENCE REPORT.

4 (D) THE DEFENDANT'S STATEMENT.

5 (3) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A VIO-
6 LATION OF SECTION 145A OR A VIOLATION OF A LAW OF ANOTHER STATE
7 SUBSTANTIALLY COR-
8 RESPONDING TO SECTION 145A.

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

16 Enacting section 1. This amendatory act takes effect
17 June 1, 2002.

18 Enacting section 2. This amendatory act does not take
19 effect unless all of the following bills of the 91st Legislature
20 are enacted into law:

21 (a) Senate Bill No. 180.

22 (b) Senate Bill No. 1029.

23 (c) House Bill No. 4325.