

HOUSE BILL No. 5399

March 11, 2014, Introduced by Rep. O'Brien and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2978.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2978. (1) AN INDIVIDUAL DESCRIBED IN SUBSECTION (2) WHO,
2 IN THE COURSE OF THE PRACTICE OF HIS OR HER PROFESSION OR HIS OR
3 HER EMPLOYMENT, HAS REASONABLE CAUSE TO SUSPECT HUMAN TRAFFICKING
4 AND WHO IN GOOD FAITH REPORTS THE SUSPECTED HUMAN TRAFFICKING TO A
5 LAW ENFORCEMENT AGENCY OR COOPERATES IN AN INVESTIGATION OF THE
6 SUSPECTED HUMAN TRAFFICKING IS IMMUNE FROM CIVIL LIABILITY FOR THE
7 REPORTING OR COOPERATION.

8 (2) THIS SECTION APPLIES TO ALL OF THE FOLLOWING:

9 (A) A PHYSICIAN, DENTIST, PHYSICIAN'S ASSISTANT, DENTAL

1 HYGIENIST, MEDICAL EXAMINER, NURSE, INDIVIDUAL LICENSED TO PROVIDE
2 EMERGENCY MEDICAL CARE, AUDIOLOGIST, PSYCHOLOGIST, MARRIAGE AND
3 FAMILY THERAPIST, LICENSED PROFESSIONAL COUNSELOR, SOCIAL WORKER,
4 LICENSED MASTER'S SOCIAL WORKER, LICENSED BACHELOR'S SOCIAL WORKER,
5 REGISTERED SOCIAL SERVICE TECHNICIAN, SOCIAL SERVICE TECHNICIAN,
6 PERSON EMPLOYED IN A PROFESSIONAL CAPACITY IN ANY OFFICE OF THE
7 FRIEND OF THE COURT, SCHOOL ADMINISTRATOR, SCHOOL COUNSELOR OR
8 TEACHER, LAW ENFORCEMENT OFFICER, MEMBER OF THE CLERGY, OR
9 REGULATED CHILD CARE PROVIDER.

10 (B) ANY OF THE FOLLOWING EMPLOYEES OF THE DEPARTMENT OF HUMAN
11 SERVICES:

- 12 (i) AN ELIGIBILITY SPECIALIST.
- 13 (ii) A FAMILY INDEPENDENCE MANAGER.
- 14 (iii) A FAMILY INDEPENDENCE SPECIALIST.
- 15 (iv) A SOCIAL SERVICES SPECIALIST.
- 16 (v) A SOCIAL WORK SPECIALIST.
- 17 (vi) A SOCIAL WORK SPECIALIST MANAGER.
- 18 (vii) A WELFARE SERVICES SPECIALIST.

19 (3) AN INDIVIDUAL WHO MAKES A REPORT OR COOPERATES AS
20 DESCRIBED IN SUBSECTION (1) IS PRESUMED TO HAVE ACTED IN GOOD
21 FAITH.

22 (4) THE IMMUNITY FROM CIVIL LIABILITY UNDER THIS SECTION DOES
23 NOT APPLY TO A NEGLIGENT ACT THAT CAUSES PERSONAL INJURY OR DEATH
24 OR TO THE MALPRACTICE OF A PHYSICIAN THAT RESULTS IN PERSONAL
25 INJURY OR DEATH.

26 (5) AS USED IN THIS SECTION, "HUMAN TRAFFICKING" MEANS AN ACT
27 THAT IS A VIOLATION OF CHAPTER LXVIIA OF THE MICHIGAN PENAL CODE,

1 1931 PA 328, MCL 750.462A TO 750.462J.