

# HOUSE BILL NO. 4100

February 03, 2021, Introduced by Reps. Bollin, Glenn, Whitsett, Beson, Whiteford, Calley, Kahle, Brabec, Rendon, Paquette, Wozniak, Lasinski, Clemente, Camilleri, Hammoud, Yancey, Hope, Anthony, Thanedar, Puri, Bolden, Stone, Allor and Jones and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2016 PA 486.

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

1

CHAPTER XVII

2

Sec. 16w. (1) This chapter applies to the following felonies enumerated in chapter 750 of the Michigan Compiled Laws:

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<b>M.C.L.</b>	<b>Category</b>	<b>Class</b>	<b>Description</b>	<b>Stat Max</b>
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1	<del>750.451(3)</del>	Pub ord	G	<del>Prostitution</del>	<del>21</del>
2	750.451(2)(a)			<del>various offenses</del>	
3				<del>third or subsequent</del>	
4				<del>offense</del> Commercial	
5				sexual activity	
6				violation	
7	750.451(2)(b)	Pub ord	G	Commercial sexual	2
8				activity violation -	
9				second offense	
10	750.451(2)(c)	Pub ord	F	Commercial sexual	4
11				activity violation -	
12				third or subsequent	
13				offense	
14	750.451(3)(b)	Person	G	Taking or detaining	1
15				person less than 16	
16				in a place used for	
17				commercial sexual	
18				activity - second	
19				offense	
20	750.451(3)(c)	Person	G	Taking or detaining	2
21				person less than 16	
22				in a place used for	
23				commercial sexual	
24				activity - third or	
25				subsequent offense	

1	750.451(4)	Person	E	Soliciting a person	5
2				under 18 years of age	
3				to <del>commit</del>	
4				<del>prostitution</del> <b>engage in</b>	
5				<b>commercial sexual</b>	
6				<b>activity</b>	
7	750.452	Pub ord	E	Keeping a house <del>of</del>	5
8				<del>prostitution</del> <b>for</b>	
9				<b>purposes of</b>	
10				<b>commercial sexual</b>	
11				<b>activity</b>	
12	750.455	Pub ord	B	Pandering	20
13	750.456	Person	B	Placing spouse into	20
14				<del>prostitution</del> <b>commercia</b>	
15				<b>l sexual activity</b>	
16	750.457	Pub ord	B	Accepting earnings of	20
17				a <del>prostitute</del> <b>person</b>	
18				<b>engaged in commercial</b>	
19				<b>sexual activity</b>	
20	750.458	Person	B	<del>Prostitution—</del>	20
21				<b>Commercial sexual</b>	
22				<b>activity</b> - detaining	
23				person for debt	
24	750.459(1)	Person	B	Transporting a person	20
25				<del>for prostitution</del> <b>to</b>	
26				<b>engage in commercial</b>	
27				<b>sexual activity</b>	

1	750.459(2)	Person	E	Selling travel	5
2				services to	
3				facilitate	
4				<del>prostitution</del>	
5				<b>commercial sexual</b>	
6				<b>activity</b> or human	
7				trafficking in other	
8				jurisdictions	
9	750.459(3)	Person	D	Selling travel	10
10				services to	
11				facilitate	
12				<del>prostitution</del>	
13				<b>commercial sexual</b>	
14				<b>activity</b> or human	
15				trafficking in other	
16				jurisdictions	
17				involving a minor	
18	750.462f(1)(a)	Person	D	Human trafficking	10
19				violation	
20	750.462f(1)(b)	Person	C	Human trafficking	15
21				violation resulting	
22				in bodily injury	
23	750.462f(1)(c)	Person	B	Human trafficking	20
24				violation resulting	
25				in serious bodily	
26				injury	

1	750.462f(1) (d)	Person	A	Human trafficking	Life
2				violation involving	
3				death or the	
4				commission of certain	
5				felonies	
6	750.462f(2)	Person	B	Obtaining a minor for	20
7				commercial sexual	
8				activity or for	
9				forced labor or	
10				services	
11	750.462f(3)	Person	Variable	Attempting,	Variable
12				conspiring, or	
13				soliciting another to	
14				violate human	
15				trafficking laws	
16	750.465a(1) (b)	Property	G	Operating audiovisual	2
17				recording device in a	
18				theatrical facility –	
19				second offense	
20	750.465a(1) (c)	Property	F	Operating audiovisual	4
21				recording device in a	
22				theatrical facility –	
23				third or subsequent	
24				offense	

25 (2) For a violation of section 462f(3) of the Michigan penal  
26 code, 1931 PA 328, MCL 750.462f, determine the offense category,  
27 offense variable level, and prior record variable level based on  
28 the underlying offense.

29 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect  
3 unless all of the following bills of the 101st Legislature are  
4 enacted into law:

5 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4112 (request no.  
6 01304'21).

7 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4113 (request no.  
8 01307'21).

9 (c) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request no.  
10 01595'21).