HUMAN TRAFFICKING NOTIFICATION ACT

Act 62 of 2016

AN ACT to create the human trafficking notification act; to require the posting of certain notices relating to human trafficking; to prescribe the powers and duties of certain state and local departments and agencies; and to provide a remedy.

History: 2016, Act 62, Eff. July 4, 2016

The People of the State of Michigan enact:

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752.1031 Short title.

Sec. 1.

This act shall be known and may be cited as the "human trafficking notification act".

History: 2016, Act 62, Eff. July 4, 2016

752.1032 Definitions.

Sec. 2.

As used in this act:

(a) "Adult entertainment establishment" means either of the following:

(i) An adult entertainment establishment that holds a topless activity permit under section 916(3) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1916.

(ii) Any other retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

(b) "Department" means the department of licensing and regulatory affairs.

(c) "Human trafficking notice" means the notice described in section 5.

History: 2016, Act 62, Eff. July 4, 2016

752.1033 Posting of human trafficking notice on certain premises.

Sec. 3.

(1) The department of transportation shall post a human trafficking notice on the premises of each rest stop and welcome facility in this state in the manner described in this act and as required by the department under this act.

(2) Each local unit of government that operates a rest stop or welcome facility shall post a human trafficking notice on the premises of that rest stop or welcome facility in the manner described in this act and as required by the department under this act.

(3) Each local unit of government, or authority allowed by law, that provides bus or rail transportation services to the public shall post a human trafficking notice on the premises of any station that provides those services in the manner described in this act and as required by the department under this act.

(4) Each of the following shall post a human trafficking notice on its premises in the manner described in this act and as required by the department under this act:

(a) Any entity that owns property that has been found by a court to constitute a public nuisance due to acts of prostitution or human trafficking being conducted on the property or arising out of the ownership or use of the property.

(b) An adult entertainment establishment.

(c) Public airports.

History: 2016, Act 62, Eff. July 4, 2016

752.1034 Posting of human trafficking notice; manner.

Sec. 4.

The human trafficking notice required under this act shall be posted in a conspicuous manner clearly visible to the public and employees within each facility operated by an entity described in section 3 that is open to use by the public.

History: 2016, Act 62, Eff. July 4, 2016

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752.1035 Posting of human trafficking notice; requirements.

Sec. 5.

A human trafficking notice required to be posted under this act shall meet the following requirements:

(a) Be of a design and style to provide proper notice under this act.

(b) Be no smaller than 8-1/2 inches by 11 inches and contain the following notice in boldfaced type of not less than a 14-point font determined appropriate by the department:

"If you or someone you know is being forced to engage in any activity and cannot leave, whether the activity is commercial sex, housework, farm work, or any other activity, please contact the National Human Trafficking Resource Center hotline at 1-888-373-7888 or text 233733 to access help and services. The victims of human trafficking are protected under U.S. laws and the laws of this state.".

(c) Be of durable construction.

(d) Be posted in the English and Spanish languages and in any other language determined appropriate by the department in consultation with the attorney general. The department may require the posting of other languages under this subdivision in specified areas of this state due to the languages used within those specified areas.

History: 2016, Act 62, Eff. July 4, 2016

752.1036 Notice; sample.

Sec. 6.

The department shall post on its departmental website a sample of the notice described in section 5, which shall be available for downloading for purposes of this act.

History: 2016, Act 62, Eff. July 4, 2016

752.1037 Written notice of requirements.

Sec. 7.

The department shall provide each entity described in section 3 with written notice of the requirements of this act.

History: 2016, Act 62, Eff. July 4, 2016

752.1038 Applicability of act; appropriation of funds.

Sec. 8.

This act does not apply unless sufficient funds are appropriated to the department to allow it to carry out the duties required under this act.

History: 2016, Act 62, Eff. July 4, 2016

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752.1039 Failure of entity to comply with act; notice; fine

Sec. 9.

(1) If the department determines that an entity described in section 3 has failed to comply with the notice requirements of this act, the department shall notify the entity that it is in violation of this act and provide the entity with 48 hours to come into compliance with this act.

(2) If the entity under subsection (1) is subsequently notified a second time of a failure to comply with the requirements of this act within 1 year of the previous notification, the entity may be fined not more than $250.00. If the same entity is notified a third time of a failure to comply with the requirements of this act within 1 year of the previous 2 notifications, the entity may be fined not more than $500.00.

History: 2016, Act 62, Eff. July 4, 2016

752.1040 Rules.

Sec. 10.

The department may promulgate rules to implement this act.

History: 2016, Act 62, Eff. July 4, 2016