STUDENT ATHLETES

Act 477 of 1988

AN ACT to prohibit the giving and receiving of money and certain things of value in connection with certain student athletes; to provide penalties; to impose certain duties on the department of education; and to provide for the promulgation of rules.

History: 1988, Act 477, Eff. Mar. 30, 1989

The People of the State of Michigan enact:

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390.1501 Definitions.

Sec. 1.

As used in this act:

(a) "Department" means the department of education.

(b) "Immediate family" means the student athlete's spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or the spouse or guardian of any of the persons described in this subdivision.

(c) "Institution of higher education" means a public or private college or university in this state.

(d) "Student athlete" means a person who engages in, is eligible to engage in, or may be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program. The term also includes an individual who has applied, is eligible to apply, or who may be eligible to apply in the future to an institution of higher education.

History: 1988, Act 477, Eff. Mar. 30, 1989

390.1502 Student athlete or immediate family member; giving or promising money or things of value; prohibited purposes; aiding and abetting; “person” defined; violation as misdemeanor; penalty.

Sec. 2.

(1) Except as provided in subsection (3), a person shall not give, offer, promise, or attempt to give any money or other thing of value to a student athlete or immediate family member of a student athlete for either of the following purposes:

(a) To induce, encourage, or reward the student athlete's application, enrollment, or attendance at an institution of higher education in order to have the student athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution.

(b) To induce, encourage, or reward the student athlete's participation in an intercollegiate sporting event, contest, exhibition, or program.

(2) A person shall not aid or abet any act described in subsection (1).

(3) As used in subsection (1), "person" does not include any of the following:

(a) An institution of higher education or any of its officers or employees if the institution, officer, or employee is acting in accordance with an official written policy of the institution which is in compliance with rules promulgated by the department.

(b) An intercollegiate athletic award approved or administered by the institution of higher education that the student athlete attends.

(c) An immediate family member of the student athlete.

(4) Except as provided in subsection (3), a person who engages in conduct knowing or having reason to know that the conduct is in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than $50,000.00, or 3 times the amount given, offered, or promised to the student athlete or immediate family member of the student athlete, whichever is greater, or not more than 1 year imprisonment, or both. The prosecuting attorney of a county where a violation of this section occurs shall enforce this section.

History: 1988, Act 477, Eff. Mar. 30, 1989

390.1503 Student athlete or immediate family member; soliciting or accepting money or things of value; prohibited purposes; aiding or abetting; applicability of section; violation as misdemeanor; penalty; enforcement.

Sec. 3.

(1) Except as provided in subsection (2), a student athlete or member of his or her immediate family, shall not solicit or accept money or anything of value for any of the purposes described in section 2(1). A person shall not aid or abet any act described in this subsection.

(2) This section does not apply to money or other things of value that a student athlete receives from any of the following:

(a) An institution of higher education, its officers, or employees if the institution, officer or employee offered money or anything of value in accordance with an official written policy of the institution which is in compliance with rules promulgated by the department.

(b) An intercollegiate athletic award approved or administered by that institution.

(c) A member of the immediate family of the student athlete.

(3) Except as provided in subsection (2), a person who engages in conduct knowing or having reason to know that the conduct violates this section is guilty of a misdemeanor punishable by a fine of not more than $1,000.00 or an amount equal to the amount accepted by the student athlete or immediate family member, whichever is greater. The prosecuting attorney of a county in which the violation occurs shall enforce this section.

History: 1988, Act 477, Eff. Mar. 30, 1989

390.1504 Rules.

Sec. 4.

The department shall promulgate rules to establish standards for the giving and receiving of money and things of value as described in sections 2(1) and 3(1), pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: 1988, Act 477, Eff. Mar. 30, 1989

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