

# HOUSE BILL No. 5438

January 24, 2018, Introduced by Reps. Cox, Alexander, Marino, Webber, Howell, Kahle, Cochran, Glenn and Canfield and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 462a (MCL 750.462a), as amended by 2014 PA 329.

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

1       Sec. 462a. As used in this chapter:

2       (a) "Bodily injury" means any physical injury.

3       (b) "Coercion" includes, but is not limited to, any of the  
4 following:

5           (i) Threatening to harm or physically restrain any individual  
6 or the creation of any scheme, plan, or pattern intended to cause  
7 an individual to believe that failure to perform an act would  
8 result in psychological, reputational, or financial harm to, or  
9 physical restraint of, any individual.

10          (ii) Abusing or threatening abuse of the legal system,

1 including threats of arrest or deportation without regard to  
2 whether the individual being threatened is subject to arrest or  
3 deportation under the laws of this state or the United States.

4 (iii) Knowingly destroying, concealing, removing,  
5 confiscating, or possessing any actual or purported passport or  
6 other immigration document or any other actual or purported  
7 government identification document from any individual without  
8 regard to whether the documents are fraudulent or fraudulently  
9 obtained.

10 (iv) **FACILITATING OR CONTROLLING AN INDIVIDUAL'S ACCESS TO A**  
11 **CONTROLLED SUBSTANCE, AS THAT TERM IS DEFINED IN SECTION 7104 OF**  
12 **THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7104, OTHER THAN FOR A**  
13 **LEGITIMATE MEDICAL PURPOSE.**

14 (c) "Commercial sexual activity" means 1 or more of the  
15 following for which anything of value is given or received by any  
16 person:

17 (i) An act of sexual penetration or sexual contact as those  
18 terms are defined in section 520a.

19 (ii) Any conduct prohibited under section 145c.

20 (iii) Any sexually explicit performance as that term is  
21 defined in section 3 of 1978 PA 33, MCL 722.673.

22 (d) "Debt bondage" includes, but is not limited to, the status  
23 or condition of a debt arising from a pledge by the debtor of his  
24 or her personal services or those of an individual under his or her  
25 control as a security for a debt, if the value of those services as  
26 reasonably assessed is not applied toward the liquidation of the  
27 debt or the length and nature of those services are not

1 specifically limited and defined.

2 (e) "Financial harm" means any of the following:

3 (i) Conduct prohibited under section 1 of 1968 PA 259, MCL  
4 438.41.

5 (ii) Extortion.

6 (iii) Employment contracts that violate 1978 PA 390, MCL  
7 408.471 to 408.490.

8 (iv) Any other adverse financial consequence.

9 (f) "Force" includes, but is not limited to, physical violence  
10 or threat of physical violence or actual physical restraint or  
11 confinement or threat of actual physical restraint or confinement  
12 without regard to whether injury occurs.

13 (g) "Forced labor or services" means labor or services that  
14 are obtained or maintained by force, fraud, or coercion.

15 (h) "Fraud" includes, but is not limited to, a false or  
16 deceptive offer of employment or marriage.

17 (i) "Labor" means work of economic or financial value.

18 (j) "Minor" means an individual under 18 years of age.

19 (k) "Serious bodily injury" means any physical injury  
20 requiring medical treatment, regardless of whether the victim seeks  
21 medical treatment.

22 (l) "Services" means an ongoing relationship between a person  
23 and an individual in which the individual performs activities under  
24 the supervision of or for the benefit of the person, including, but  
25 not limited to, commercial sexual activity and sexually explicit  
26 performances.

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

1 after the date it is enacted into law.