

**SUBSTITUTE FOR
HOUSE BILL NO. 5887**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 213b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 213b. (1) Except as provided in subsections (2) and (3),**
2 **an individual who intentionally and maliciously threatens to**
3 **release, exhibit, create, or distribute sexually explicit visual**
4 **material of another individual in order to compel or attempt to**
5 **compel another individual to do any act or refrain from doing any**
6 **act against the individual's will with the intent to obtain**
7 **sexually explicit visual material or anything else of value is**
8 **guilty of a felony punishable as follows:**

9 **(a) For a first offense, by imprisonment for not more than 5**

1 years, a fine of not more than \$5,000.00, or both.

2 (b) For a second offense, by imprisonment for not more than 10
3 years, a fine of not more than \$10,000.00, or both.

4 (c) For a third or subsequent offense, by imprisonment for not
5 more than 20 years, a fine of not more than \$20,000.00, or both.

6 (2) If an individual commits a violation of subsection (1) and
7 either of the following factors apply, the individual is guilty of
8 a felony punishable by imprisonment for not more than 25 years:

9 (a) The victim is less than 18 years of age or a vulnerable
10 adult and the individual who committed the violation is more than
11 18 years of age.

12 (b) The victim suffers serious physical harm, serious mental
13 harm, or death as a result of the violation of subsection (1).

14 (3) If the individual convicted of a violation of subsection
15 (1) is less than 18 years of age, the individual is guilty of a
16 misdemeanor punishable by imprisonment for not more than 1 year.
17 The court may order behavioral health counseling from an
18 appropriate agency or provider as part of an individual's sentence
19 under this subsection.

20 (4) As used in this section:

21 (a) "Nudity" means displaying an individual's genitalia or
22 anus or if the individual is a female, her nipples or areola.

23 (b) "Serious mental harm" means a mental injury that results
24 in a substantial alteration of mental functioning that is
25 manifested in a visibly demonstrable manner.

26 (c) "Serious physical harm" means a physical injury that
27 threatens the life of a victim, causes substantial bodily
28 disfigurement, or seriously impairs the functioning or well-being
29 of the victim.

1 (d) "Sexually explicit visual material" means a photograph or
2 video that depicts nudity, erotic fondling, sexual intercourse, or
3 sadomasochistic abuse.

4 (e) "Vulnerable adult" means that term as defined in section
5 145m.