

Act No. 275
Public Acts of 2023
Approved by the Governor
December 7, 2023
Filed with the Secretary of State
December 8, 2023
EFFECTIVE DATE: March 7, 2024

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. MacDonell, Wilson, Arbit, Glanville, Fitzgerald, Grant, Shannon, Andrews, Tsernoglou, Liberati, Brabec, Breen, Scott, Conlin, Hill and Rogers

ENROLLED HOUSE BILL No. 4320

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 145h.

The People of the State of Michigan enact:

Sec. 145h. (1) A person shall not intentionally or knowingly harass, abuse, threaten, force, coerce, compel, or exploit the vulnerability of a vulnerable adult in a manner that causes the vulnerable adult to provide that person, or any other person, sexually explicit visual material.

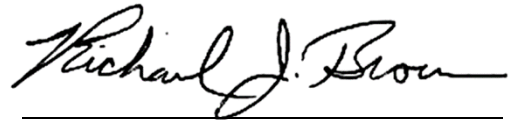
(2) Except as provided in subsection (3), a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(3) A person who violates subsection (1) who has 1 or more prior convictions for a violation of subsection (1) is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00, or both.

(4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant’s prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant’s statement.
- (5) As used in this section:
 - (a) “Sexually explicit visual material” means that term as defined in section 145e.
 - (b) “Vulnerable adult” means that term as defined in section 145m.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor