

HOUSE BILL No. 5231

January 22, 2014, Introduced by Reps. Graves, Heise, Haines, Lamonte, Hovey-Wright, Lauwers, LaVoy, Price, Rogers, Slavens, Singh, Darany, Brinks, Haveman, Kowall, Zorn, Cavanagh, O'Brien, Barnett, Driskell, Haugh, Brown, Roberts, Banks, Lyons, Lane, Tlaib, McCready, Irwin and Kivela and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 449a, 451, 452, 455, 456, 457, 458, 459, and 460 (MCL 750.449a, 750.451, 750.452, 750.455, 750.456, 750.457, 750.458, 750.459, and 750.460), section 451 as amended by 2002 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 449a. Any ~~male~~ person who engages or offers to engage the
2 services of a ~~female~~ **ANOTHER** person ~~, not his wife,~~ for the purpose
3 of prostitution, lewdness, or assignation, by the payment in money
4 or **ANY** other ~~forms~~ **FORM** of consideration, is guilty of a
5 ~~misdemeanor~~ **CRIME PUNISHABLE AS PROVIDED IN SECTION 451**. Any person
6 ~~convicted of violating this section shall be subject to the~~

1 ~~provisions of Act No. 6 of the Public Acts of the Second Extra~~
2 ~~Session of 1942, being sections 329.201 to 329.208 of the Compiled~~
3 ~~Laws of 1948.~~

4 Sec. 451. (1) Except as otherwise provided in this section, a
5 person convicted of violating section 448, 449, 449a, 450, or 462
6 is guilty of a misdemeanor punishable by imprisonment for not more
7 than 93 days or a fine of not more than \$500.00, or both.

8 (2) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (5), A~~ person ~~16 years~~
9 ~~of age or older~~ who is convicted of violating section 448, 449,
10 449a, 450, or 462 and who has 1 prior conviction is guilty of a
11 misdemeanor punishable by imprisonment for not more than 1 year or
12 a fine of not more than \$1,000.00, or both.

13 (3) ~~A-EXCEPT AS PROVIDED IN SUBSECTION (5), A~~ person convicted
14 of violating section 448, 449, 449a, 450, or 462 and who has 2 or
15 more prior convictions is guilty of a felony punishable by
16 imprisonment for not more than 2 years ~~—~~or a fine of not more than
17 \$2,000.00, or both.

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

- 1 (a) A copy of the judgment of conviction.
 2 (b) A transcript of a prior trial, plea-taking, or sentencing.
 3 (c) Information contained in a presentence report.
 4 (d) The defendant's statement.

5 (5) A PERSON CONVICTED OF A VIOLATION OF SECTION 449A IN WHICH
 6 THE OTHER PERSON WAS UNDER 18 YEARS OF AGE AT THE TIME OF THE
 7 VIOLATION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
 8 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

9 (6) ~~(5)~~As used in this section, "prior conviction" means a
 10 violation of section 448, 449, 449a, 450, or 462 or a violation of
 11 a law of another state or of a political subdivision of this state
 12 or another state substantially corresponding to section 448, 449,
 13 449a, 450, or 462.

14 Sec. 452. ~~Keeping, etc., a house of ill fame~~ Any A person who
 15 shall ~~keep, maintain~~ **KEEPS, MAINTAINS,** or ~~operate,~~ **OPERATES,** or aid
 16 **AIDS** and ~~abet~~ **ABETS** in keeping, maintaining, or operating, a house
 17 of ill-fame, bawdy house, or any house or place resorted to for the
 18 purpose of prostitution or lewdness shall ~~be~~ **IS** guilty of a felony
 19 ~~punishable by imprisonment in the state prison for not more than~~
 20 5 years or by a fine of not more than ~~2,500 dollars.~~ **\$5,000.00, OR**
 21 **BOTH.**

22 Sec. 455. ~~Pandering~~ Any A person who shall ~~procure a female~~
 23 **DOES ANY OF THE FOLLOWING IS GUILTY OF A FELONY PUNISHABLE BY**
 24 **IMPRISONMENT FOR NOT MORE THAN 20 YEARS:**

25 (A) **PROCURES AN** inmate for a house of prostitution. ~~or who~~
 26 ~~shall induce, persuade, encourage, inveigle or entice a female~~

27 (B) **INDUCES, PERSUADES, ENCOURAGES, INVEIGLES, OR ENTICES A**

1 person to become a prostitute. ~~; or who by promises, threats,~~
 2 ~~violence~~

3 (C) **BY PROMISE, THREAT, OR VIOLENCE**, or by any device or
 4 scheme, ~~shall cause, induce, persuade, encourage, take, place,~~
 5 ~~harbor, inveigle or entice a female~~ **CAUSES, INDUCES, PERSUADES,**
 6 **ENCOURAGES, TAKES, PLACES, HARBORS, INVEIGLES, OR ENTICES A** person
 7 to become an inmate of a house of prostitution or assignation place
 8 ~~; or any place where prostitution is practiced, encouraged, or~~
 9 ~~allowed. ; or any person who shall, by promises, threats,~~

10 (D) **BY ANY PROMISE OR THREAT, OR BY** violence or ~~by any device~~
 11 ~~or scheme, cause, induce, persuade, encourage, inveigle or entice~~
 12 **CAUSES, INDUCES, PERSUADES, ENCOURAGES, INVEIGLES, OR ENTICES** an
 13 inmate of a house of prostitution or place of assignation to remain
 14 ~~therein~~ **THERE** as such ~~AN~~ inmate. ~~; or any person who by promises,~~
 15 ~~threats,~~

16 (E) **BY ANY PROMISE OR THREAT, OR BY** violence, ~~by any device or~~
 17 ~~scheme, by fraud or artifice, or by duress of person or goods, or~~
 18 ~~by abuse of any position of confidence or authority, or having~~
 19 ~~legal charge, shall take, place, harbor, inveigle, entice,~~
 20 ~~persuade, encourage~~ **TAKES, PLACES, HARBORS, INVEIGLES, ENTICES,**
 21 **PERSUADES, ENCOURAGES,** or ~~procure~~ **PROCURES** any female person to
 22 ~~enter any place within this state in which prostitution is~~
 23 ~~practiced, encouraged or allowed, for the purpose of~~ **ENGAGE IN**
 24 ~~prostitution. ; or who shall inveigle, entice, persuade, encourage,~~
 25 ~~or procure~~

26 (F) **INVEIGLES, ENTICES, PERSUADES, ENCOURAGES, OR PROCURES** any
 27 ~~female person to come into this state or to leave this state for~~

1 the purpose of prostitution. ~~, or who upon~~

2 (G) UPON the pretense of marriage, takes or detains a female
3 person for the purpose of sexual intercourse. ~~, or who shall~~
4 ~~receive or give or agree~~

5 (H) RECEIVES OR GIVES, OR AGREES to receive or give, any money
6 or thing of value for procuring or attempting to procure any female
7 person to become a prostitute or to come into this state or leave
8 this state for the purpose of prostitution. ~~, shall be guilty of a~~
9 ~~felony, punishable by imprisonment in the state prison for not more~~
10 ~~than 20 years.~~

11 Sec. 456. ~~Placing wife by fraud, etc., in house of~~
12 ~~prostitution~~ Any ~~ANY~~ person who by force, fraud, intimidation, or
13 threat places or leaves, or procures any other person to place or
14 leave, his ~~wife~~ OR HER SPOUSE in a house of prostitution or to lead
15 a life of prostitution, ~~shall be~~ IS guilty of a felony ~~, punishable~~
16 ~~by imprisonment in the state prison for not more than 20 years.~~

17 Sec. 457. (1) ~~Accepting money, etc., from earnings of~~
18 ~~prostitute~~ Any ~~ANY~~ person who shall knowingly accept, receive, levy
19 ACCEPTS, RECEIVES, LEVIES, or appropriate APPROPRIATES any money or
20 valuable thing without consideration from the proceeds of the
21 earnings of any ~~woman~~ PERSON engaged in prostitution, or any
22 person, knowing a female PERSON to be a prostitute, ~~shall live~~ WHO
23 LIVES or ~~derive~~ DERIVES support or maintenance, in whole or in
24 part, from the earnings or proceeds of the prostitution of ~~said~~ A
25 prostitute, or from ~~moneys~~ MONEY loaned or advanced to or charged
26 against ~~her~~ A PROSTITUTE by any keeper or manager or inmate of a
27 house or other place where prostitution is practiced or allowed,

1 ~~shall be~~ **IS** guilty of a felony ~~, punishable by imprisonment in the~~
 2 ~~state prison~~ **FOR** not more than 20 years. ~~And such~~

3 (2) **THE** acceptance, receipt, levy, or appropriation of ~~such~~
 4 money or valuable ~~ANY~~ thing ~~, shall, upon any proceeding or trial~~
 5 ~~for violation of this section, be~~ **OF VALUE DESCRIBED IN SUBSECTION**
 6 (1) **IS** presumptive evidence of lack of consideration.

7 Sec. 458. ~~Detaining female in house of prostitution for debt~~
 8 ~~contracted while there~~ Any ~~ANY~~ person who attempts to detain any
 9 female person in a disorderly house or house of prostitution
 10 because of any debt or debts ~~she~~ **THE PERSON** has contracted, or is
 11 said to have contracted while living in ~~said~~ **THAT** house, ~~shall be~~
 12 **IS** guilty of a felony ~~, punishable by imprisonment in the state~~
 13 ~~prison~~ for not less than 2 ~~nor~~ **YEARS OR** more than 20 years.

14 Sec. 459. (1) ~~Transporting female for prostitution~~ Any ~~A~~
 15 person who ~~shall knowingly transport~~ **TRANSPORTS** or ~~cause~~ **CAUSES** to
 16 be transported, or ~~aid~~ **AIDS** or ~~assist~~ **ASSISTS** in obtaining
 17 transportation for, by any means of conveyance, into, through or
 18 across this state, any female person for the purpose of
 19 prostitution or with the intent and purpose to induce, entice or
 20 compel ~~such female~~ **THAT** person to become a prostitute ~~shall be~~ **IS**
 21 guilty of a felony, punishable by imprisonment ~~in the state prison~~
 22 for not more than 20 years. ~~, any~~

23 (2) **A** person who ~~may commit the crime in~~ **VIOLATES** this section
 24 ~~mentioned~~ may be prosecuted, indicted, tried, and convicted in any
 25 county or city in or through which he shall ~~se~~ transport or attempt
 26 to transport any female person ~~as aforesaid.~~ **IN VIOLATION OF THIS**
 27 **SECTION.**

1 Sec. 460. (1) ~~Acts committed outside state It shall~~ **IT IS** not
2 ~~be a defense to a prosecution for any of the acts prohibited in the~~
3 ~~next 5 preceding sections~~ **A VIOLATION** of this chapter that any part
4 of ~~such act or acts shall have been~~ **THAT VIOLATION WAS** committed
5 outside this state. ~~, and the offense shall in such case be deemed~~
6 ~~and alleged to have been committed and the offender~~

7 (2) **A PERSON WHO VIOLATES THIS CHAPTER MAY BE** tried and
8 punished in any county in which the prostitution was intended to be
9 practiced, or in which the offense was consummated, or **IN WHICH** any
10 overt act in furtherance of the offense ~~shall have been~~ **WAS**
11 committed.