



## 2014 HUMAN TRAFFICKING LAWS

Human trafficking is one of the fastest growing criminal industries in the world. It takes many forms and impacts an untold number of people within Michigan, both U.S. citizens and foreign nationals, used for sexual exploitation and forced labor. The Michigan Legislature approved a package of bills in October addressing several aspects of human trafficking, including many of the specific recommendations from the Attorney General's 2013 Report on Human Trafficking. Michigan Catholic Conference staff has supported many of these measures, which range from enhancing victim services, increasing penalties for traffickers, and deterring the criminal activity. Below is a summary of the 21-bill package signed into law by Governor Rick Snyder on October 16, 2014.

- **Senate Bill 205**, sponsored by Senator Judy Emmons (R-Sheridan), increases penalties on those who solicit prostitution from a minor, making it a felony.
- **Senate Bill 206**, sponsored by Senator Tonya Schuitmaker (R-Lawton), updates the criminal statute to increase penalties on those who solicit prostitution from a minor.
- **Senate Bill 584**, sponsored by Senator Judy Emmons (R-Sheridan), creates "Theresa Flores's Law" which lengthens the criminal statute of limitations for offenses of child sex trafficking or commercial sexual exploitation of children.
- **Senate Bill 585**, sponsored by Senator Mike Nofs (R-Battle Creek), gives courts the ability to defer sentencing for someone charged with certain prostitution-related crimes and to place the individual on probation. This applies only if the offense was committed as a result of being a victim of human trafficking and if the individual had not previously been convicted of this type of crime.
- **Senate Bill 587**, sponsored by Senator Vincent Gregory (D-Southfield), requires the Department of Human Services to perform an assessment of a child who has been a victim of human trafficking and, in addition to any reunification, adoption, or other services, the department must also provide counseling services appropriate for minor victims of human trafficking.
- **Senate Bill 590**, sponsored by Senator John Proos (R-St. Joseph), creates the "Human Trafficking Victims Compensation Act" which allows victims to sue their captors for damages resulting from physical and mental suffering, as well as for destruction of property.
- **Senate Bill 592**, sponsored by Senator John Proos (R-St. Joseph), allows victims of human trafficking to receive medical assistance benefits for medical and psychological treatment.
- **Senate Bill 593**, sponsored by Senator Rebekah Warren (D-Ann Arbor), allows the Department of Human Services to give special consideration to child victims of human

trafficking, in order to ensure the child is placed in a setting that provides mental health services, counseling, or other specialized services the child may need.

- **Senate Bill 597**, sponsored by Senator Rebekah Warren (D-Ann Arbor), establishes training requirements for medical professionals to identify victims of human trafficking.
- **Senate Bill 602**, sponsored by Senator Joe Hune (R- Hamburg Township), requires those caught soliciting prostitution from a minor to be placed on the sex offender registry.
- **House Bill 4021**, sponsored by Representative George Darany (D-Dearborn), expands the crime of kidnapping to include restraining a minor with the intent of engaging in sexually abusive activity.
- **House Bill 5012**, sponsored by Representative Eileen Kowall (R-White Lake), creates a “safe harbor” for minors, which presumes that a person under the age of eighteen who is charged with prostitution or a similar crime, was coerced into the commercial sexual activity by another person who has engaged in human trafficking.
- **House Bill 5025**, sponsored by Representative Kurt Heise (R-Plymouth), allows human trafficking survivors the possibility of having their criminal records expunged for certain crimes committed while they were being trafficked.
- **House Bill 5026**, sponsored by Representative Kurt Heise (R-Plymouth), allows family court jurisdiction over dependent juveniles in danger of substantial physical or psychological harm.
- **House Bill 5158**, sponsored by Representative Kurt Heise (R-Plymouth), creates a state human trafficking commission to ensure continued analysis of the problem in the state, the training of professionals who encounter survivors, and an increase in public awareness, among other duties.
- **House Bill 5231**, sponsored by Representative Joseph Graves (R-Linden), eliminates gender references in certain prostitution statutes and provides for increased penalties.
- **House Bill 5233**, sponsored by Representative Klint Kesto (R-Commerce Township), provides for the seizure and forfeiture of property used in or resulting from a human trafficking crime.
- **House Bill 5234**, sponsored by Representative Nancy Jenkins (R-Clayton), revises the existing Human Trafficking Act for consistency between provisions and consolidates penalties for violations of the act.
- **House Bill 5236**, sponsored by Representative Ed McBroom (R-Vulcan), amends criminal forfeiture provisions to reflect changes in the human trafficking law and defines “willful blindness” as “the intentional disregard of objective fact that would lead a reasonable person to conclude that the property was derived from unlawful activity or would be used for an unlawful purpose.”

- **House Bill 5237**, sponsored by Representative Phil Cavanagh (D-Redford Township), includes human trafficking crimes in a provision that requires the court to order convicted defendants to pay restitution for the full amount of loss suffered by the victim. Restitution could include lost income, costs of transportation, temporary housing, and child care, as well as attorney fees.
- **House Bill 5239**, sponsored by Representative Kenneth Kurtz (R-Coldwater), requires the Department of Human Services and other mandatory reporters of abuse, such as medical professionals, school employees, law enforcement officers, clergy, and regulated child care providers, to report suspected child abuse or child neglect involving human trafficking to a local law enforcement agency.