



MICHIGAN

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	Yes	Republic

A. Criminal Statutes

1. Human Trafficking and Related Offenses

a. Mich. Comp. Laws Ann. §§ 750.462a – 750.462h (2015) – Human Trafficking

i. Summary

Michigan’s human trafficking laws state that a person shall not:

- (1) “knowingly recruit, entice, harbor, transport, provide, or obtain an individual for forced labor or services,” Mich. Comp. Laws Ann. § 750.462b;
- (2) “knowingly recruit, entice, harbor, transport, provide, or obtain an individual for the purpose of holding the individual in debt bondage,” Mich. Comp. Laws Ann. § 750.462c;
- (3) “(a) [k]nowingly recruit, entice, harbor, transport, provide, or obtain an individual by any means, knowing that [the] individual will be subjected to forced labor or services or debt bondage,” Mich. Comp. Laws Ann. § 750.462d(a) [or]

“(b) [k]nowingly benefit financially or receive anything of value from participation in an enterprise, as that term is defined in [Mich. Comp. Laws Ann. § 750.159f], if the enterprise has engaged in an act proscribed under [Mich. Comp. Laws Ann. §§ 750.462a to 750.462j],” Mich. Comp. Laws Ann. § 750.462d(b); and
- (4) “[r]ecruit, entice, harbor, transport, provide, or [obtain by any means a minor for]” (a) commercial sexual activity or (b) forced labor or services, “regardless of whether the person knows the age of the minor.” Mich. Comp. Laws Ann. § 750.462e.

“Forced labor or services” is defined as “labor or services that are obtained or maintained by force, fraud, or coercion.” Mich. Comp. Laws Ann. § 750.462a(g).

“Debt bondage” is defined as including, but is not limited to:

the status or condition of a debt arising from a pledge by the debtor of his or her personal services or those of an individual under his or her control as a security for a debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not specifically limited and defined.

Mich. Comp. Laws Ann. § 750.462a(d).

“Enterprise” is defined as “an individual, sole proprietorship, partnership, corporation, limited liability company, trust, union, association, governmental unit, or other legal entity or a group of persons associated in fact although not a legal entity.” An “[e]nterprise includes illicit as well as licit enterprises.” Mich. Comp. Laws Ann. § 750.159f(a).

In a prosecution for human trafficking, the victim’s testimony is not required and, if provided, need not be corroborated. Mich. Comp. Laws Ann. § 750.462g(1). “[T]he victim’s resistance or lack of resistance to the actor is not relevant.” Mich. Comp. Laws Ann. § 750.462h. If expert testimony is otherwise admissible under the applicable rules and laws, “[e]xpert testimony as to the behavioral patterns of human trafficking victims and the manner in which a human trafficking victim’s behavior may deviate from societal expectations is admissible.” Mich. Comp. Laws Ann. § 750.462g(1).

ii. Sentencing

Except as otherwise provided in Mich. Comp. Laws Ann. § 750.462f, a violation of Mich. Comp. Laws Ann. §§ 750.462b, 750.462c, and 750.462d is a felony and:

- (a) except as provided in Mich. Comp. Laws Ann. § 750.462f(1)(b), (c), and (d), punishable by imprisonment for not more than 10 years, a fine of not more than USD 10,000, or both. Mich. Comp. Laws Ann. § 750.462f(1)(a).
- (b) if “the violation results in bodily injury to an individual or results in an individual being engaged in commercial sexual activity,” punishable by imprisonment of not more than 15 years, a fine of not more than USD 150,000, or both. Mich. Comp. Laws Ann. § 750.462f(1)(b).
- (c) if “the violation results in serious bodily injury to an individual,” punishable by imprisonment for not more than 20 years, a fine of not more than USD 20,000, or both. Mich. Comp. Laws Ann. § 750.462f(1)(c).
- (d) if “the violation involves kidnapping or attempted kidnapping, criminal sexual conduct in the first degree or attempted criminal sexual conduct in the first degree, or an attempt to kill, or the death of an individual,” punishable by imprisonment for life or any term of years, a fine of not more than USD 50,000, or both. Mich. Comp. Laws Ann. § 750.462f(1)(d).

Except as otherwise provided in Mich. Comp. Laws Ann. § 750.462f, a violation of section 750.462e (human trafficking involving a minor) is a felony punishable by imprisonment of not more than 20 years, a fine of not more than USD 20,000, or both. Mich. Comp. Laws Ann. § 750.462f(2).

“A person who attempts, conspires, or solicits another to violate [Mich. Comp. Laws Ann. §§ 750.462a to 750.462j] is subject to the same penalty as a person who commits a violation of ... [Mich. Comp. Laws Ann. §§ 750.462a to 750.462j].” Mich. Comp. Laws Ann. § 750.462f(3).

A “court shall order restitution for the full amount of loss suffered by the victim” from the human trafficking violations. Mich. Comp. Laws Ann. § 780.766b.

In addition to restitution ordered under [Mich. Comp. Laws Ann. § 780.766], the court may order the defendant to pay all of the following:

- (a) Lost income, calculated by whichever of the following methods results in the largest amount:
 - (i) The gross amount received by the defendant from or the value to the defendant of the victim’s labor or services.
 - (ii) The value of the victim’s labor or services as calculated under the minimum wage law of 1964, 1964 PA 154, [Mich. Comp. Laws Ann. §§ 408.411 to 408.424 (formerly cited as Mich. Comp. Laws Ann. §§ 408.381 to 408.398)], or the federal minimum wage, whichever results in the largest value.
 - (iii) Income loss as determined under [Mich. Comp. Laws Ann. § 780.766(4)(c)].

- (b) The cost of transportation, temporary housing, and child care expenses incurred by the victim because of the offense.
- (c) Attorney fees and other costs and expenses incurred by the victim because of the offense, including, but not limited to, costs and expenses relating to assisting the investigation of the offense and for attendance at related court proceedings as follows:
 - (i) Wages lost.
 - (ii) Child care.
 - (iii) Transportation.
 - (iv) Parking.
- (d) Any other loss suffered by the victim as a proximate result of the offense.

Mich. Comp. Laws Ann. § 780.766b. A defendant convicted of a human trafficking offense also must pay restitution to the crime victim services commission and any others that have compensated the victim or the victim’s estate for a loss incurred by the victim, Mich. Comp. Laws Ann. § 780.766(8). A court shall order that the defendant pay restitution to a provider for the costs of services provided to the victim as a result of the crime. Mich. Comp. Laws Ann. § 780.766(8). In addition to mandatory restitution, a court may order a person convicted of violating Mich. Comp. Laws Ann. § 750.462f to reimburse any governmental entity for certain expenses. Mich. Comp. Laws Ann. § 750.462f(6).

iii. Statute of Limitations

For a violation or attempted violation of Mich. Comp. Laws Ann. § 750.462b, Mich. Comp. Laws Ann. § 750.462c, Mich. Comp. Laws Ann. § 750.462d, or Mich. Comp. Laws Ann. § 750.462e (human trafficking offenses), an indictment “may be found and filed within 25 years after the offense is committed.” Mich. Comp. Laws Ann. § 767.24(2). If the human trafficking offense is punishable by imprisonment for life, an indictment may be found and filed at any time. Mich. Comp. Laws Ann. § 767.24(1)(c).

b. Mich. Comp. Laws Ann. § 750.459 (2017) –Sale of Travel Services for Purpose of Human Trafficking

i. Summary

Michigan law provides that a person “shall not knowingly sell or offer to sell travel services that include or facilitate travel for the purpose of engaging in what would be a violation of ... [Mich. Comp. Laws Ann. §§ 750.462a to 750.462j], concerning human trafficking, if the violation occurred in this state.” Mich. Comp. Laws Ann. § 750.459(2).

ii. Sentencing

A violation of Mich. Comp. Laws Ann. § 750.459(2) is a felony punishable by imprisonment for not more than five years, a fine of not more than USD 10,000, or both. Mich. Comp. Laws Ann. § 750.459(2). If the violation involves conduct against a minor, the felony is punishable by imprisonment for not more than 10 years, a fine of not more than USD 15,000, or both. Mich. Comp. Laws Ann. § 750.459(3).

Except as provided in subsection (8), when sentencing a defendant convicted of a crime, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant’s course of conduct that gives rise to the conviction or to the victim’s estate.

Mich. Comp. Laws Ann. § 780.766(2).

The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the crime. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate under the order be made before any restitution to any other person or entity under that order is made.

Mich. Comp. Laws Ann. § 780.766(8).

iii. Statute of Limitations

"[I]ndictments may be found and filed within 6 years after the offense is committed." Mich. Comp. Laws Ann. § 767.24 (10). "Any period during which the party charged did not usually and publicly reside within this state is not part of the time within which the respective indictments may be found and filed." Mich. Comp. Laws Ann. § 767.24 (11).

c. Mich. Comp. Laws Ann. § 750.479c (2012) – Providing False or Misleading Information During a Criminal Investigation

If an individual knowingly and willfully conceals information, makes a false or misleading statement, or provides false material to a criminal investigation for human trafficking, that person is guilty of a felony punishable by imprisonment for not more than four years, a fine of not more than USD 5,000, or both.

d. Mich. Comp. Laws Ann. § 750.455 (2014) – Procuring or Inducing a Person to Engage in Prostitution

When a person "takes, places, harbors, inveigles, entices, persuades, encourages, or procures any person" to engage in prostitution or become a prostitute, that person commits a felony punishable by up to 20 years. Mich. Comp. Laws Ann. § 750.455(c), (e). A person who "[r]eceives or gives, or agrees to receive or give, any money or thing of value for procuring or attempting to procure any person to become a prostitute or to come into this state or leave this state for the purpose of prostitution" also commits a felony punishable up to 20 years. Mich. Comp. Laws Ann. § 750.455(h).

e. Mich. Comp. Laws Ann. § 750.349 (2015) – Kidnapping

Under Michigan law, a person commits the crime of kidnapping if the person knowingly restrains another person with the intent to, among other things, hold the person in involuntary servitude or engage in child sexually abusive activity if the kidnapped person is a minor. Mich. Comp. Laws Ann. § 750.349(1).

A person who commits the crime of kidnapping is guilty of a felony punishable by imprisonment for life or any term of years or a fine of not more than USD 50,000, or both. Mich. Comp. Laws Ann. § 750.349(3).

f. Mich. Comp. Laws Ann. § 750.451 (2017) – Presumption of Coercion in Minor Prostitution

In a prosecution of a person under 18 years of age for an offense related to prostitution, there is a presumption that the minor was coerced into the activity or otherwise forced or coerced into committing that offense by another person engaged in human trafficking. Mich. Comp. Laws Ann. § 750.451(6).

A law enforcement officer who encounters a minor engaging in any prostitution-related conduct shall report to the Department of Health and Human Services suspected instances of human trafficking, and the Department shall begin an investigation. Mich. Comp. Laws Ann. § 750.451(7), (8).

g. Mich. Comp. Laws Ann. § 750.451c (2017) – Deferral of Proceedings for Victims of Human Trafficking

If a person commits a violation related to solicitation, receiving a person for the purpose of prostitution, or using minors for the purpose of prostitution as a direct result of being a victim of human trafficking, “the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney, may defer proceedings and place the accused on probation” Mich. Comp. Laws Ann. § 750.451c(1), (2). If the person fulfills the terms and conditions of the probation:

the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section must be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

Mich. Comp. Laws Ann. § 750.451c(6). Additionally, if the person fulfills the terms and conditions of the probation, “the department of state police shall retain a nonpublic record of the arrest, court proceedings, and disposition of the criminal charge under this section. However, the nonpublic record must be open to” certain government officials under limited circumstances. Mich. Comp. Laws Ann. § 750.451c(8).

h. Mich. Comp. Laws Ann. § 712A.18e (2021) – Setting Aside Juvenile Adjudications

A victim of human trafficking may apply to set aside certain juvenile adjudications that were committed as a direct result of being a victim of human trafficking. Mich. Comp. Laws Ann. § 712A.18e(10)(b).

i. Mich. Comp. Laws Ann. §§ 780.621 *et seq.* (2017) – Setting Aside Conviction of Victim of Human Trafficking

A victim of human trafficking “may apply to have [a certain prostitution-related] conviction set aside if he or she committed the offense as a direct result of his or her being a victim of a human trafficking violation.” Mich. Comp. Laws Ann. § 780.621(3). A victim may file an application to set aside a conviction three, five, or seven years after imposition of the sentence, completion of any term of imprisonment, or completion of probation for the conviction, depending on the severity of the offense. Mich. Comp. Laws Ann. § 780.621d.

j. Mich. Comp. Laws Ann. § 750.159g (2015) – Racketeering

The term “racketeering” in Michigan’s criminal enterprise statutes includes “committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit” human trafficking for “financial gain by obtaining money, property or any other thing of value.” Mich. Comp. Laws Ann. § 750.159g(jj).

2. Online Child Sexual Exploitation and Child Pornography Offenses

Mich. Comp. Laws Ann. § 750.145c (2019) – Child Pornography

Mich. Comp. Laws Ann. § 750.145d (2013) – Computer Use with Child Pornography or Criminal Sexual Conduct

Mich. Comp. Laws Ann. § 750.145g (2018) – Child Sexually Abusive Activity or Material

3. Mich. Comp. Laws Ann. §§ 28.721 *et seq.* (2015) – Sex Offender Registry

Michigan law requires sex offender registration for individuals who have violated offenses, including human trafficking under Mich. Comp. Laws Ann. § 750.462(e), child pornography under Mich. Comp. Laws Ann. § 750.145c, and using the computer in a child pornography violation under Mich. Comp. Laws Ann. § 750.145d. Mich. Comp. Laws Ann. § 28.722.

B. Civil Liability Statutes

1. Mich. Comp. Laws Ann. § 752.983 (2015) – Civil Lawsuits

a. Summary

Michigan law allows a civil lawsuit for human trafficking victims under the Human Trafficking Victims Compensation Act. The victim may recover even if the violator has not been criminally charged or convicted. Mich. Comp. Laws Ann. § 752.983(4).

b. Damages and Other Relief

A victim may recover:

economic and noneconomic damages that result from the violation, including, but not limited to, all of the following:

- (a) Physical pain and suffering,
- (b) Mental anguish,
- (c) Fright and shock,
- (d) Denial of social pleasure and enjoyments,
- (e) Embarrassment, humiliation, or mortification,
- (f) Disability,
- (g) Disfigurement,
- (h) Aggravation of a preexisting ailment or condition,
- (i) Reasonable expenses of necessary medical or psychological care, treatment, and services,
- (j) Loss of earnings or earning capacity,
- (k) Damage to property, and
- (l) Any other necessary and reasonable expense incurred as a result of the violation.

Mich. Comp. Laws Ann. § 752.983(1). The victim does not need to have suffered any physical injuries to recover damages. Mich. Comp. Laws Ann. § 752.983(2). A victim also is entitled to damages “regardless of whether the damages sustained were foreseeable to the violator.” Mich. Comp. Laws Ann. § 752.983(3).

c. Statute of Limitations

A civil lawsuit under Mich. Comp. Laws Ann. § 752.983 “must be filed within three years after the last violation that is the subject of the [lawsuit] occurred.” Mich. Comp. Laws Ann. § 752.984.

C. Additional Statutes Specific to Human Trafficking

1. Mich. Comp. Laws Ann. §§ 408.411 *et seq.* (2014) – Unpaid Wages

An employee may bring a civil lawsuit within three years of a violation to recover unpaid wages. In addition to unpaid wages, an employee may also receive an amount equal to the unpaid wages in liquidated damages, plus attorney's fees and costs. An employer faces additional civil fines for noncompliance. Mich. Comp. Laws Ann. § 408.419.

More information is available at: https://www.michigan.gov/leo/0,5863,7-336-78421_94422_59886-39617-,00.html.

2. Mich. Comp. Laws Ann. § 333.16148 (2015) – Trafficking Victim Identification Training Required for Certain Professional Licenses

To receive a license to practice certain professional occupations, a person must have training in the identification of human trafficking victims.

3. Mich. Comp. Laws Ann. § 400.109m (2015) – Medical Assistance Benefits for Victims of Human Trafficking

"If an individual is a victim of a human trafficking violation [under Mich. Comp. Laws Ann. §§ 750.462a to 750.462h], he or she may receive medical assistance benefits for medical and psychological treatment resulting from his or her status as a victim of that human trafficking violation." Mich. Comp. Laws Ann. § 400.109m.

4. Mich. Comp. Laws Ann. § 600.3801 (2015) – Nuisances Include Places Used for Human Trafficking

A place is a nuisance under Michigan law if it is used for human trafficking. Mich. Comp. Laws Ann. § 600.3801(f).

5. Mich. Comp. Laws Ann. § 722.115r (2018) – Human Trafficking Convictions and Child Care Centers

An individual who has been convicted of human trafficking or involuntary servitude is ineligible to receive a child care license, be an adult member of the household of a home child care center, or be a child care staff member. Mich. Comp. Laws Ann. § 722.115r(3)(b)(ix).

6. Mich. Comp. Laws Ann. § 722.623 (2016) – Mandatory Reports of Suspected Child Victims of Trafficking

Under Michigan law, mandatory reporters must report if they suspect a child is a victim of trafficking. The list of mandatory reporters includes individuals such as medical care providers, dental care providers, social workers, therapists, counselors, law enforcement officers, school administrators, teachers, clergy members, judicial system members, regulated child care providers, and others. Mich. Comp. Laws Ann. § 722.623(1)(a)–(c).

7. Mich. Comp. Laws Ann. § 722.954c (2020) – Services for Minor Trafficking Victims in Foster Care or Adoption Services

"The supervising agency shall develop a medical passport for each child who comes under its care. The medical passport must contain ... information concerning the child's physical and mental health, including information that the child may be a victim of human trafficking." Mich. Comp. Laws Ann. § 722.954c(2). "If a child ... is alleged to be the victim of human trafficking, the supervising agency shall have an experienced and licensed mental health professional perform an evaluation or psychological evaluation of the child." Mich. Comp. Laws Ann. § 722.954c(4). "If an assessment or psychological evaluation required under subsection (4) indicates that a child may have been a victim of human trafficking, the supervising agency shall provide ... counseling services appropriate for minor victims of human trafficking." Mich. Comp. Laws Ann. § 722.954c(6).

8. Mich. Comp. Laws Ann. § 722.954e (2020) – Placement of Child Trafficking Victims in Foster Care or Adoption Services

Before determining placement of a child in its care, a supervising agency shall give special consideration to information that a child may be the victim of human trafficking. If a supervising agency finds that a child is or may be a victim of human trafficking, the supervising agency shall place the child in a setting that provides mental health services, counseling, or other specialized services that are necessary or appropriate for a victim of human trafficking.

Mich. Comp. Laws Ann. § 722.954e.

9. Mich. Comp. Laws Ann. §§ 752.973 *et seq.* (2015) – Human Trafficking Commission Act

Michigan established a human trafficking commission.

The commission shall do all of the following subject to funding:

- (a) Identify sources for grants that will assist in examining and countering human trafficking in this state, and apply for those grants when appropriate.
- (b) Fund research programs to determine the extent and nature of human trafficking in this state.
- (c) Provide information and training regarding human trafficking to police officers, prosecutors, court personnel, health care providers, social services personnel, and other individuals the commission considers appropriate.
- (d) Collect and analyze information regarding human trafficking in this state.
- (e) Identify state and local agencies within this state and other states, as well as within the federal government, that are involved with issues relating to human trafficking, and coordinate the dissemination of information regarding human trafficking in this state to those agencies.
- (f) Review the existing services available to assist victims of human trafficking, including crime victim assistance, health care, and legal assistance, and establish a program to make those victims better aware of the services that are available to them.
- (g) Establish a program to improve public awareness of human trafficking.
- (h) Review existing state laws and administrative rules relating to human trafficking and make recommendations to the legislature to improve those laws and rules to address human trafficking violations in this state.
- (i) File an annual report with the governor, the secretary of the senate, and the clerk of the house of representatives regarding its activities under this act. The report shall be filed not later than February 1 of the year following the year for which the report is due.

Mich. Comp. Laws Ann. § 752.974.

10. Mich. Comp. Laws Ann. §§ 752.991 *et seq.* (2015) – Human Trafficking Health Advisory Board Act

Michigan established a Human Trafficking Health Advisory Board to, among other tasks, collect and analyze information relating to medical and mental health services available to victims, coordinate information sharing,

improve public awareness of resources available to victims, and recommend legislation. Mich. Comp. Laws Ann. §§ 752.993, 752.994.

11. Mich. Comp. Laws Ann. §§ 752.1033 *et seq.* (2016) – Posters

Michigan law requires certain entities to post human trafficking notices on their premises, including at rest stops and welcome facilities, transportation services premises, adult entertainment establishments, public airports, and properties that have been found to constitute public nuisances as related to prostitution or human trafficking. Mich. Comp. Laws Ann. § 752.1033. Failure to comply results in a fine of up to USD 250 or USD 500 for multiple failures within one year. Mich. Comp. Laws Ann. § 752.1039.

12. Mich. Comp. Laws Ann. §§ 780.853 *et seq.* (2020) – Confidential Address

A victim of human trafficking may apply with the office of the attorney general to have their residential address be made confidential and to receive their mail from a designated mailing address. Mich. Comp. Laws Ann. § 780.855(3). The address will be kept confidential for four years, with an opportunity for renewal. Mich. Comp. Laws Ann. § 780.855(8), (10).

D. Significant Cases

No significant cases were found regarding Michigan’s human trafficking laws.

E. Academic Research/Papers

Elizabeth Campbell, *Michigan’s First Human Trafficking Court*, 60 ST. LOUIS U. L.J. 97 (2015).

Sona Movsisyan, Note, *Human Trafficking in a Digital Age: Who Should Be Held Accountable?*, 27 MICH. ST. INT’L. L. REV. 539 (2019).

Staff of the Michigan Department of Attorney General, *Eroding Freedom’s Foundation: Human Trafficking and the Threat to American Principle*, 30 T.M. COOLEY L. REV. 13 (2013).

Ashleigh M. Kline, Comment, *The Fallacy of Free Will in Prostitution: Encouraging Prostitution Reform to Prevent the Repeated Victimization of Vulnerable Persons*, 25 MICH. ST. INT’L L. REV. 665 (2017).

Yasmeen Naoum, Note, *Prevention Yields Protection: How the Implementation of Preventative Legislation Could Reduce Human Trafficking in Michigan*, 52 VAL. L. REV. 671 (2018).

F. Resources

Michigan Department of Attorney General – Human Trafficking:

https://www.michigan.gov/ag/0,4534,7-359-82917_99984---,00.html

Michigan Human Trafficking Task Force:

<https://mhttf.org/>

Michigan Office of Secretary of State, *Truckers Against Trafficking*:

https://www.michigan.gov/documents/sos/Truckers_Against_Trafficking_SOS-278_516762_7.pdf

National Human Trafficking Hotline (Michigan):

<https://humantraffickinghotline.org/state/michigan>

Shared Hope International, Michigan Report Card (2019):
http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_MI.pdf

Shared Hope International, Michigan Analysis and Recommendations (2019):
http://sharedhope.org/PICframe9/analysis/PIC_AR_2019_MI.pdf

University of Michigan Law School Human Trafficking Clinic:
<https://www.law.umich.edu/clinical/humantraffickingclinic/Pages/default.aspx>

U.S. Department of Health & Human Services, *Michigan: Efforts to Combat Human Trafficking* (2017):
https://nhttac.acf.hhs.gov/sites/default/files/2019-06/feb2018_state_and_territorial_profiles_michigan_region5_508.pdf

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