

SUBSTITUTE FOR
HOUSE BILL NO. 5129

A bill to amend 1980 PA 299, entitled
"Occupational code,"
(MCL 339.101 to 339.2721) by adding article 17A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE 17A

SEC. 1762. (1) AN APPLICANT OR LICENSEE UNDER THIS ARTICLE
IS SUBJECT TO THE PENALTIES OF SECTION 602 FOR 1 OR MORE OF THE
FOLLOWING:

(A) AN INTENTIONAL MISREPRESENTATION OR OMISSION OF ANY
MATERIAL FACT REQUIRED TO BE FILED PURSUANT TO THIS ARTICLE.

(B) A TRANSFER OF A LICENSE IN VIOLATION OF SECTION 1753(1)
OR A CHANGE OF LOCATION IN VIOLATION OF SECTION 1756.

(C) A FAILURE TO COMPLY WITH SECTION 1765 OR 1766.

(D) A CONVICTION, IN THIS STATE OR ANY OTHER STATE OR
JURISDICTION, OF AN APPLICANT OR LICENSEE FOR A CRIME, INCLUDING

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1 CONSPIRACY, INVOLVING LEWDNESS, PROSTITUTION, PANDERING OR
2 PROMOTING PROSTITUTION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO
3 COMMIT CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT EXPO-
4 SURE, INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY, OR REG-
5 ISTRATION OF AN APPLICANT OR LICENSEE AS A SEX OFFENDER.

6 (E) A CONVICTION, IN THIS STATE OR ANY OTHER STATE OR JURIS-
7 DICTION, OF A PARTNER, DIRECTOR, OFFICER, PRINCIPAL OWNER, MANAG-
8 ER, PROCURER, OR EMPLOYEE OF A LICENSEE FOR A CRIME, INCLUDING
9 CONSPIRACY, OCCURRING ON THE LICENSED PREMISES, INVOLVING LEWD-
10 NESS, PROSTITUTION, PANDERING OR PROMOTING PROSTITUTION, SEXUAL
11 ASSAULT OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT,
12 SEXUAL MISCONDUCT, INDECENT EXPOSURE, INCEST, RAPE OR CRIMINAL
13 SEXUAL CONDUCT, OR SODOMY, OR HIS OR HER REGISTRATION AS A SEX
14 OFFENDER.

15 (F) A CONVICTION, IN THIS STATE OR ANY OTHER STATE OR JURIS-
16 DICTION, OF A PARTNER, DIRECTOR, OFFICER, PRINCIPAL OWNER, MANAG-
17 ER, PROCURER, OR EMPLOYEE OF A LICENSEE FOR A CRIME, INCLUDING
18 CONSPIRACY, INVOLVING LEWDNESS, PROSTITUTION, PANDERING OR PRO-
19 MOTING PROSTITUTION, SEXUAL ASSAULT OR ASSAULT WITH INTENT TO
20 COMMIT CRIMINAL SEXUAL CONDUCT, SEXUAL MISCONDUCT, INDECENT EXPO-
21 SURE, INCEST, RAPE OR CRIMINAL SEXUAL CONDUCT, OR SODOMY, NOT
22 OCCURRING ON LICENSED PREMISES, IF THE PARTNER, DIRECTOR, OFFI-
23 CER, PRINCIPAL OWNER, MANAGER, PROCURER, OR EMPLOYEE, AT THE TIME
24 OF THE CONDUCT CONSTITUTING THE OFFENSE, WAS OFF THE PREMISES AT
25 THE REQUEST OR DIRECTION OR PURSUANT TO THE AUTHORITY OF THE
26 LICENSEE FOR THE PURPOSE OF FURTHERING THE BUSINESS OF THE

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1 LICENSEE, OR HIS OR HER REGISTRATION AS A SEX OFFENDER IN THIS
2 STATE OR ANY OTHER STATE OR JURISDICTION.

3 (2) A PERSON HOLDING A LICENSE FOR THE OPERATION OF A MAS-
4 SAGE ESTABLISHMENT IS ALSO SUBJECT TO THE PENALTIES OF SECTION
5 602 IF CONVICTED FOR A VIOLATION OF SECTION 1764.

6 SEC. 1763. A PERSON WHO FILES ANY INFORMATION UNDER THIS
7 ARTICLE SHALL NOT INTENTIONALLY MISREPRESENT OR OMIT ANY MATERIAL
8 FACT REQUIRED TO BE FILED UNDER THIS ARTICLE. IN ADDITION TO ANY
9 PENALTIES ASSESSED UNDER ARTICLE 6, A PERSON THAT VIOLATES THIS
10 SECTION IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT
11 MORE THAN \$1,000.00 OR IMPRISONMENT FOR NOT MORE THAN 30 DAYS, OR
12 BOTH. FOR THE PURPOSE OF THIS SECTION, A FACT IS MATERIAL IF IT
13 COULD HAVE AFFECTED THE DEPARTMENT'S DECISION TO GRANT OR DENY AN
14 APPLICATION FOR LICENSE.

15 Enacting section 1. This amendatory act does not take
16 effect unless all of the following bills of the 90th Legislature
17 are enacted into law:

18 (a) House Bill No. 5124.

19 (b) House Bill No. 5125.

20 (c) House Bill No. 5126.

21 (d) House Bill No. 5127.

22 (e) House Bill No. 5128.

23 (f) House Bill No. 5130.

24 (g) House Bill No. 5131.

25 (h) House Bill No. 5132.