

HOUSE BILL No. 6163

June 12, 2018, Introduced by Reps. Geiss, Sabo, Cochran, Chang, Guerra, Lasinski, Brinks, Greig, Love, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 2016 PA 62, entitled "Human trafficking notification act," by amending sections 2, 3, 4, 5, 6, 7, and 9 (MCL 752.1032, 752.1033, 752.1034, 752.1035, 752.1036, 752.1037, and 752.1039) and by adding section 3a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Adult entertainment establishment" means either of the
3 following:

4 (i) An adult entertainment establishment that holds a topless
5 activity permit under section 916(3) of the Michigan liquor control
6 code of 1998, 1998 PA 58, MCL 436.1916.

7 (ii) Any other retail establishment that provides adult-
8 oriented entertainment in which performers disrobe or perform in an

1 unclothed state for entertainment.

2 (b) "Department" means the department of licensing and
3 regulatory affairs.

4 (C) "HOTEL" MEANS A BUILDING OR STRUCTURE KEPT, USED,
5 MAINTAINED AS, OR HELD OUT TO THE PUBLIC TO BE AN INN, HOTEL, OR
6 PUBLIC LODGING HOUSE.

7 (D) ~~(e)~~"Human trafficking notice" means the notice described
8 in section ~~5~~-5(1).

9 (E) "PUBLIC SCHOOL" MEANS THAT TERM AS DEFINED IN SECTION 5 OF
10 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5. PUBLIC SCHOOL
11 INCLUDES A PUBLIC SCHOOL ACADEMY AS THAT TERM IS DEFINED IN SECTION
12 5 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.5.

13 (F) "WORKPLACE HUMAN TRAFFICKING NOTICE" MEANS THE NOTICE
14 DESCRIBED IN SECTION 5(2).

15 Sec. 3. (1) The department of transportation shall post a
16 human trafficking notice on the premises of each rest stop and
17 welcome facility in this state in the manner described in this act
18 and as required by the department under this act.

19 (2) Each local unit of government that operates a rest stop or
20 welcome facility shall post a human trafficking notice on the
21 premises of that rest stop or welcome facility in the manner
22 described in this act and as required by the department under this
23 act.

24 (3) Each local unit of government, or authority allowed by
25 law, that provides bus or rail transportation services to the
26 public shall post a human trafficking notice on the premises of any
27 station that provides those services in the manner described in

1 this act and as required by the department under this act.

2 (4) Each of the following shall post a human trafficking
3 notice on its premises in the manner described in this act and as
4 required by the department under this act:

5 (a) Any entity that owns property that has been found by a
6 court to constitute a public nuisance due to acts of prostitution
7 or human trafficking being conducted on the property or arising out
8 of the ownership or use of the property.

9 (b) An adult entertainment establishment.

10 (c) ~~Public airports.~~ **A PUBLIC AIRPORT.**

11 **SEC. 3A. (1) HOTELS AND PUBLIC SCHOOLS OPERATING IN THIS STATE**
12 **SHALL POST WORKPLACE HUMAN TRAFFICKING NOTICES ON HOTEL AND PUBLIC**
13 **SCHOOL PREMISES IN THE MANNER DESCRIBED IN THIS SECTION AND AS**
14 **REQUIRED BY THE DEPARTMENT UNDER THIS ACT.**

15 (2) A HOTEL AND A PUBLIC SCHOOL SHALL POST A WORKPLACE HUMAN
16 TRAFFICKING NOTICE IN AREAS DESIGNATED AS ACCESSIBLE TO EMPLOYEES
17 OF THE HOTEL OR PUBLIC SCHOOL ONLY. THE NOTICE REQUIRED UNDER THIS
18 SECTION MUST PROVIDE HOTEL EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES
19 WITH THE FOLLOWING INFORMATION:

20 (A) CIRCUMSTANCES THAT MAY INDICATE THAT AN INDIVIDUAL,
21 INCLUDING A HOTEL GUEST, EMPLOYEE OF THE HOTEL, PUBLIC SCHOOL
22 STUDENT, OR PUBLIC SCHOOL EMPLOYEE IS INVOLVED IN OR IS THE VICTIM
23 OF HUMAN TRAFFICKING.

24 (B) INFORMATION ON THE APPROPRIATE MANNER IN WHICH TO ALERT A
25 LAW ENFORCEMENT AGENCY OR OTHER AUTHORITY REGARDING POTENTIAL HUMAN
26 TRAFFICKING ACTIVITIES.

27 Sec. 4. (1) The human trafficking notice required under ~~this~~

1 ~~act shall~~ **SECTION 3 MUST** be posted in a conspicuous manner clearly
2 visible to the public and employees within each facility operated
3 by an entity described in section 3 that is open to use by the
4 public.

5 **(2) THE WORKPLACE HUMAN TRAFFICKING NOTICE REQUIRED UNDER**
6 **SECTION 3A MUST BE POSTED IN A CONSPICUOUS MANNER CLEARLY VISIBLE**
7 **TO THE EMPLOYEES WITHIN A FACILITY DESCRIBED IN SECTION 3A.**

8 Sec. 5. (1) A human trafficking notice required to be posted
9 under ~~this act shall~~ **SECTION 3 MUST** meet the following
10 requirements:

11 (a) Be of a design and style to provide proper notice under
12 this act.

13 (b) Be no smaller than 8-1/2 inches by 11 inches and contain
14 the following notice in boldfaced type of not less than a 14-point
15 font determined appropriate by the department:

16 "If you or someone you know is being forced to engage in any
17 activity and cannot leave, whether the activity is commercial sex,
18 housework, farm work, or any other activity, please contact the
19 National Human Trafficking Resource Center hotline at 1-888-373-
20 7888 or text 233733 to access help and services. **THE NATIONAL HUMAN**
21 **TRAFFICKING RESOURCE CENTER HOTLINE IS AVAILABLE TO RECEIVE PHONE**
22 **CALLS 24 HOURS A DAY, 7 DAYS A WEEK.** The victims of human
23 trafficking are protected under U.S. laws and the laws of this
24 state."

25 (c) Be of durable construction.

26 (d) Be posted in the English and Spanish languages and in any
27 other language determined appropriate by the department in

1 consultation with the attorney general. The department may require
2 the posting of other languages under this subdivision in specified
3 areas of this state due to the languages used within those
4 specified areas.

5 (2) A WORKPLACE HUMAN TRAFFICKING NOTICE REQUIRED TO BE POSTED
6 UNDER SECTION 3A MUST MEET THE FOLLOWING REQUIREMENTS:

7 (A) SATISFY ALL OF THE REQUIREMENTS LISTED UNDER SUBSECTION
8 (1).

9 (B) PROVIDE A LISTING OF CIRCUMSTANCES OR FACTORS, AS
10 DETERMINED BY THE DEPARTMENT, THAT MAY INDICATE THAT AN INDIVIDUAL,
11 INCLUDING A HOTEL GUEST, EMPLOYEE OF THE HOTEL, PUBLIC SCHOOL
12 STUDENT, OR PUBLIC SCHOOL EMPLOYEE IS INVOLVED IN OR THE VICTIM OF
13 HUMAN TRAFFICKING, INCLUDING HUMAN TRAFFICKING RELATED TO LABOR AND
14 HUMAN TRAFFICKING RELATED TO SEX.

15 Sec. 6. The department shall post on its departmental website
16 a sample of the ~~notice~~ **HUMAN TRAFFICKING NOTICE AND THE WORKPLACE**
17 **HUMAN TRAFFICKING NOTICE** described in section 5. ~~which shall~~ **THE**
18 **NOTICES DESCRIBED IN SECTION 5 MUST** be available for downloading
19 for purposes of this act.

20 Sec. 7. The department shall provide each entity described in
21 section 3 **OR 3A** with written notice of the requirements of this
22 act.

23 Sec. 9. (1) If the department determines that an entity
24 described in section 3 **OR 3A** has failed to comply with the notice
25 requirements of this act, the department shall notify the entity
26 that it is in violation of this act and provide the entity with 48
27 hours to come into compliance with this act.

1 (2) If the entity under subsection (1) is subsequently
2 notified a second time of a failure to comply with the requirements
3 of this act within 1 year of the previous notification, the entity
4 ~~may be fined~~ **IS SUBJECT TO A CIVIL FINE OF** not more than \$250.00.
5 If the same entity is notified a third time of a failure to comply
6 with the requirements of this act within 1 year of the previous 2
7 notifications, the entity ~~may be fined~~ **IS SUBJECT TO A CIVIL FINE**
8 **OF** not more than \$500.00.

9 **(3) A FINE COLLECTED UNDER THIS SECTION MUST BE DEPOSITED IN**
10 **THE HUMAN TRAFFICKING VICTIM ASSISTANCE FUND CREATED IN SECTION 3**
11 **OF THE HUMAN TRAFFICKING VICTIM ASSISTANCE FUND ACT.**

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

14 Enacting section 2. This amendatory act does not take effect
15 unless Senate Bill No. _____ or House Bill No. 6156 (request no.
16 01481'17) of the 99th Legislature is enacted into law.