

In its December 2019 meeting, the Commission recommended the package including:

Training:

- Several bills related to expanding mandated training on human trafficking for various licensed professionals including commercial drivers, educators and educational-based counselors, and cosmetologists. The training standards will be set in a proposed amendment to the Human Trafficking Commission Act which will require the Commission to develop minimum standards for the training.

Criminal Justice – Strengthening tools to hold traffickers accountable

- Amend Expert Testimony for Human Trafficking cases: Amend current expert testimony statute to include codified case law which sets forth the appropriate standard a court should apply in determining who meets the qualifications to provide expert testimony in human trafficking cases.
- Expand Statutory Immunity for Compelled Testimony to Human Trafficking Chapter: Replicating the statutory immunity for any person compelled to give testimony in a case involving charges from the prostitution chapter to the human trafficking chapter.
- Include Human Trafficking in propensity evidence expansion: Adding human trafficking to the class of crimes in which propensity evidence is admissible.

Criminal Justice – Expanding protections for victims of trafficking

- Expanded Minor Rebuttable Presumption: Discretionary application of the rebuttable presumption that a minor in a commercial sexual activity circumstance is a victim of minor sex trafficking, even if a minor fails to substantially comply with court-ordered services;
- Expansion of adult and juvenile HT victim expungement: Expanding the special human trafficking expungement to apply to all crimes.
- Affirmative Defense for Victims of Human Trafficking: Creation of an affirmative defense for victims of human trafficking to prevent future convictions for crimes committed as a result of trafficking.

New Commercial Sexual Activity Statute: Modernizing the Prostitution Chapter

In recognition of the inescapable overlap between sex trafficking and “prostitution,” the Commission recommended over a dozen proposals that fundamentally alter the criminal justice system’s approach to prostitution. Starting from realization that nowhere previously in Michigan state statute was the crime of “prostitution” ever defined, but more importantly, recognizing the stigma and judgment that is so often inflicted with the use of the term “prostitute” or “prostitution” the Commission embraced the recommendation that we replace the term “prostitution” throughout Michigan law with the defined term: commercial sexual activity. The package contains over a dozen recommendations that seek to strike the term prostitution and all references to it throughout the Michigan code. Instead that term would be replaced with the term commercial sexual activity that is defined in the human trafficking chapter as a sex act provided in exchange for something of value.

In addition to the change of terminology, the package includes recommendations for additional changes to the former prostitution - now commercial sexual activity – chapter including:

- Clearly and unambiguously defining the crimes of providing commercial sexual activity and obtaining commercial sexual activity.
- Creating an exemption from the crime of providing commercial sexual activity for commercial sexual activity provided through force fraud or coercion [sex trafficking], or as a result of pandering - a 20 year felony - wherein the panderer through inducement, persuasion or encouragement, by promise, threat or scheme causes the “provider” to engage in the commercial sexual act.
- Decrease penalties for providers of commercial sexual activity to misdemeanors;
- Increasing penalties for obtainers of commercial sexual activity to all felonies.
- Replace archaic language throughout with more applicable and appropriate descriptions of the realities of commercial sexual activity today – “house of ill fame,” or “bawdy house” would be replaced with terminology accurately reflecting the current state of commercial sexual activity.