

State Notes

TOPICS OF LEGISLATIVE INTEREST

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An Update on Human Trafficking in the United States and Michigan

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Executive Summary

- Human trafficking, generally, is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services or commercial sex acts through the use of force, fraud, or coercion.
- Over the last two decades, the body of law to prevent human trafficking, prosecute offenders, and aid victims has grown substantially.
- The prevalence of human trafficking, both in Michigan and nationally, is unknown, and estimates vary widely.
- While the 2013-14 Legislative Session represented a watershed session for anti-human trafficking legislative efforts, there are ongoing efforts and proposed measures to aid in prosecution and to help victims.

INTRODUCTION

Human trafficking is commonly referred to as "modern day slavery". In 2021, the International Labour Organization (ILO) estimated that nearly 27.6 million people worldwide were exploited by individuals and enterprises for sex or forced labor, a sharp increase from numbers 10 years ago.¹ The State of Michigan sees some number of these cases; however, the true extent of these crimes within Michigan's borders remains unknown.

Ten years ago, the Senate Fiscal Agency provided an overview of human trafficking in Michigan and a summary of the laws and then-pending legislation pertaining to human trafficking.² This paper is intended to serve as a reintroduction to the topic and as an update on Michigan legislative action on human trafficking. First, the paper reintroduces some key concepts pertaining to human trafficking and related issues, as well as a summary of Federal and State law, with pertinent updates since the last overview. The paper provides recent data with respect to the number of incidents of human trafficking in the United States and Michigan. The paper then will present some of the legislation introduced in Michigan over the last few years to counter human trafficking and will summarize a number of other proposals (introduced and otherwise) to continue addressing human trafficking offenses and victims' rights. Note that while much of the work that goes into human trafficking prevention and prosecution happens internationally (i.e., between the Federal government and other nations), this paper limits itself mainly to domestic trafficking.

GENERAL OVERVIEW OF TRAFFICKING

Labor Trafficking

Labor trafficking is defined under Federal law as "the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery".³ The practices of labor trafficking are not restricted to any particular industrial sector, set of actors, or enterprise size. Cases involving labor trafficking have ranged from a single trafficked individual to large scale trafficking industrial or agricultural operations. While labor trafficking is not isolated to any particular sector, some sectors involve a disproportionate number of reported human trafficking cases.

The National Human Trafficking Resource Center (NHTRC) notes that several industries made up most of its reported labor trafficking cases in 2021. These included domestic work, agriculture/farms, construction, and restaurant/food services.⁴ According to the NHTRC, experts believe that while there is a greater awareness of sex trafficking in the US than of labor trafficking, global estimates of labor trafficking are significantly higher than the estimates for sex trafficking.⁵

Sex Trafficking

The Federal government defines sex trafficking as the "recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act".⁶ The United States Code further defines a "severe form" of sex trafficking as "sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age".⁷ In 2021, the majority of NHTRC-tracked cases of sex trafficking in the US involved pornography, illicit massage/spa businesses, hotel/motel based venues, and residential-based commercial sex, though other venues are prevalent.⁸ Sex trafficking predominately affects women; however, cases involving men or transgendered individuals have also been reported (and are likely underreported for various reasons including stigma and lack of victim's services organizations for these populations).

FEDERAL AND STATE HUMAN TRAFFICKING LAWS

Federal Law

Federal law to address human trafficking is substantial, and a detailed discussion of it is beyond the scope of this paper. What follows is a cursory overview of pertinent Federal law.

The primary law banning human trafficking in the United States is the Trafficking Victims Protection Act (TVPA). Since its original passage in 2000, Congress has reauthorized the TVPA repeatedly over the last 24 years.⁹ The TVPA increased protections for trafficking victims by providing immigration protections for foreign nationals who are human trafficking victims (including temporary visas such as the T and U visas) and by expanding eligibility for Federal health and other benefits to foreign human trafficking victims.¹⁰ The TVPA also codified measures to attempt to prevent human trafficking within the US and abroad. For example, the TVPA established the Office to Monitor and Combat Trafficking in Persons within the US Department of State and requires the Office to publish the annual Trafficking in Persons report.

Lastly, the TVPA serves as the primary basis for criminal law related to human trafficking. The 2000 Act added statutory provisions prohibiting forced labor, trafficking with respect to peonage, slavery, involuntary servitude, or forced labor, and sex trafficking of children or by force, fraud, or coercion (and any attempt to engage in these activities). The Act also provided penalties for violations of the prohibitions and included restitution and asset forfeiture provisions.

Subsequent reauthorizations have made numerous modifications to the body of human trafficking law, such as adding civil remedies for human trafficking victims (2003), providing extraterritorial jurisdiction over trafficking offenses committed overseas by Federal government employees and associated individuals (2005), prohibiting the obstruction of a human trafficking investigation (2008), amending the Racketeer Influenced and Corrupt Organizations (RICO) Act to include labor fraud (2013), and increasing reporting requirements for goods produced through forced labor (2018).



Since the SFA's last writing on this subject, the Federal government also has enacted the Justice for Victims of Trafficking Act of 2015 and the Trafficking Victims Protection Act of 2017. The former modified the then-existing criminal prohibitions to assist in prosecuting sex trafficking customers, requires the direction of forfeiture proceeds to satisfy a victim's restitution order, and establishes an assessment (\$5,000 per count conviction) against human trafficking defendants to support programs that provide services to victims. The Trafficking Victims Protection Act of 2017, among other things, provided additional funding to support trafficking victims and requires the US Attorney General to issue a victim screening protocol for Federal anti-trafficking enforcement operations.

Various other laws regulate conduct that relates to trafficking. The Fair Labor Standards Act (FLSA), the Occupational Safety and Health Act (OSHA), and the National Labor Relations Act (NLRA) can be used to fight human trafficking, but often come with exemptions for industries most affected by bad actors. For example, the FLSA exempts live-in domestic workers from overtime and minimum wage requirements, and regulations interpreting the provisions of OSHA state that its provisions do not apply to "individuals who, in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks".¹¹

Federal prosecutors have used the Mann Act, an early 20th century Federal criminal statute, to prosecute commercial sex trafficking offenses. In its "Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons" for the 2021 fiscal year (the most recent report available at the time of this writing), the US Department of Justice highlighted several cases involving the Mann Act.¹² The Mann Act provides that "[w]hoever knowingly transports any individual in interstate or foreign commerce...with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense" violates the Act.¹³

Michigan Law

Chapter 67A (Human Trafficking) of the Penal Code prohibits a person from knowingly recruiting, enticing, harboring, transporting, providing, or obtaining an individual for forced labor or services or to hold the individual in debt bondage.¹⁴ Moreover, the Code prohibits a person from knowingly recruiting, enticing, harboring, transporting, providing, or obtaining an individual by any means, knowing that he or she will be subjected to forced labor or services (including commercial sexual activity and sexually explicit performances) or debt bondage.¹⁵ The Code also prohibits a person from knowingly benefitting financially or receiving anything of value from participating in an enterprise if it has engaged in an act proscribed under Chapter 67A.¹⁶ With respect to minors, a person may not recruit, entice, harbor, transport, provide, or obtain by any means a minor for commercial sexual activity or for forced labor or services (regardless of whether the person knows the minor's age).¹⁷

A person who violates these prohibitions is guilty of a felony, punishable by imprisonment for a minimum of 10 years to life, depending on the circumstances of the crime.¹⁸ In addition, a convicted trafficker may be required to pay criminal fines ranging between \$10,000 and \$50,000. Assets and other property used in the commission of a human trafficking offense may be seized and forfeited. Additionally, a convicted trafficker may be ordered to pay restitution to his or her victim for lost wages, costs, attorney fees, and other losses incurred by the victim, and could be compelled to reimburse the State's investigation and prosecution costs.

The Human Trafficking Victims Compensation Act (HTVCA) establishes a civil cause of action for injuries resulting from a trafficker's actions, regardless of whether the violator was convicted under Chapter 67A of the Code. Under this act, a person who violates Chapter 67A is liable to the victim for economic and noneconomic damages that result from the violation, including physical pain and suffering, mental anguish, disability, disfigurement, reasonable medical or psychological care expenses, loss of earnings or earning capacity, and other expenses incurred as a result of the violation.¹⁹ A victim has three years after the last violation to file an action to recover damages under the HTVCA.

In 2014, Michigan also established two public bodies to address human trafficking: the Human Trafficking Health Advisory Board and the Human Trafficking Commission. The Board is established within the Michigan Department of Health and Human Services (DHHS) and is composed of the Director of the DHHS, the Executive Director of the Michigan Children's Services Agency,ⁱ health practitioners, human trafficking survivors, and an individual who has expertise in human trafficking intervention, prevention, or treatment.²⁰ Michigan law requires the Board to undertake a number of duties including of the following:

- Collect and analyze information concerning medical and mental health services available to human trafficking survivors in Michigan.
- Identify agencies that are involved with issues relating to human trafficking and coordinate the dissemination of information concerning services available to survivors.
- Meet annually with local health agencies to review the existing medical and mental health services available to assist survivors and establish a program to make those survivors better aware of the services that are available to them.
- Review existing State laws and administrative rules relating to medical and mental health policies affecting survivors and make recommendations to the Legislature and State agencies to improve those laws and rules.²¹

The Human Trafficking Commission is situated within the Department of the Attorney General. The Commission is composed of 14 members; five of these are designees (i.e., the Governor, the Attorney General, and the Directors of the Departments of State Police; Health and Human Services; and Licensing and Regulatory Affairs).²² The remaining nine are two-year term appointments selected from the criminal justice system, human trafficking survivors, or by nomination from the Senate Majority Leader and Speaker of the House. The Human Trafficking Commission Act requires the Commission to do all of the following (subject to funding):

- Identify sources for grants that will assist in examining and countering human trafficking in Michigan and apply for grants when appropriate.
- Fund research programs to determine the extent and nature of trafficking in Michigan.
- Provide information and training regarding human trafficking to various stakeholders and other individuals the Commission considers appropriate.
- Collect and analyze information regarding human trafficking in the State.

ⁱ The Human Trafficking Health Advisory Board Act requires the Board to include the Directors of the Departments of Human Services and Community Health. Under Executive Reorganization Order 2015-1, which abolished those departments and created the DHHS, the membership of the Board was amended to substitute the Director of the DHHS for the Director of the Department of Human Services and the Executive Director of the Michigan Children's Services Agency for the Director of the Department of Community Health. See MCL 400.227.

- Identify agencies that are involved with issues relating to human trafficking and coordinate the dissemination of information to those agencies.
- Establish a program to improve public awareness of human trafficking.
- Review existing State laws and administrative rules relating to human trafficking and recommend improvements to those laws.²³

Lastly, the Human Trafficking Notification Act (enacted in 2016) requires the State, local governments, and private entities to post human trafficking notices at certain venues, including rest stops, bus and rail stations, adult entertainment establishments, and public airports. The notice must be conspicuous and must meet specified size, content, and language requirements. An example of a Human Trafficking Notification Act-compliant sign is shown in Figure 1, below.

Figure 1



Source: Department of Labor and Economic Opportunity

If the Department determines that an entity has failed to comply with the Act's notice requirements, it must notify the entity accordingly and give the entity 48 hours to comply. If the entity is notified a second time of a failure to comply within one year of the previous notification, the entity may be fined up to \$250. If the same entity is notified a third time of a failure to comply within one year of the previous two notifications, the entity may be fined up to \$500.

TRAFFICKING IN THE UNITED STATES AND MICHIGAN

United States

In 2014, the US Department of State noted that United States was known to be a source, transit, and destination country for men, women, and children subjected to sex trafficking, debt bondage, involuntary servitude, and forced labor.²⁴ Presently, this remains true. However, the prevalence of human trafficking in any location is difficult to determine for several reasons. First, there are no uniform systems for data reporting, so acquiring nationwide statistics on victims and perpetrators is difficult. The nature of human trafficking as a crime also contributes greatly to the problem. Victims often are unwilling to come forward out of fear. This is typically the result of a trafficker's threats of violence, embarrassment, alienation, or warnings that if the victim is found by the police he or she will be arrested or deported. Some victims do not come forward out of lack of awareness about the rights they have under Federal and state law.

Arrests and prosecutions add to an understanding about the prevalence of human trafficking; however, some cases are prosecuted under other laws (e.g., prostitution crimes or labor-law violations) and go unreported as human trafficking cases. Human trafficking is meant to be a covert crime. Accordingly, human traffickers often engage in a variety of strategies to keep their activities and their victims from being found. These include closely monitoring their victims, moving frequently, and sequestering their victims in houses with cameras and locked or barred doors and windows. Lastly, misconceptions as to what human trafficking is and when questionable conduct may be human trafficking make third-party reporting difficult.²⁵

As discussed above, there is little information available to determine the prevalence of human trafficking in the United States. The US Department of Justice Bureau of Justice Statistics notes that in fiscal year 2021, 2,027 individuals were referred to US attorneys for human trafficking offenses.²⁶ In the same fiscal year, 1,672 were prosecuted and 809 were convicted.²⁷ In 2021, the NHTRC received just over 51,000 "signals": 32,709 phone calls, 11,256 short message service (SMS, i.e. text message) reports, 3,490 online tip forms, and 2,802 emails nationwide.²⁸ This amounted to a total of 10,360 unique incidents of possible human trafficking involving over 16,500 victims.²⁹ While the actual numbers of sex trafficking victims in the United States is not known, annual estimates vary so widely as to almost being meaningless. As one source stated, referring to the incidence of sex trafficking of minors, "...there are no credible or supported estimates about the size of the problem".³⁰

Michigan

Michigan is believed to be a major destination for human trafficking for a variety of reasons. The State's multiple border crossings with Canada make convenient entry points for international traffickers to bring their victims into the country. In addition, the country's main interstate highways bring commercial traffic through Michigan from other US states and Canada. In economically depressed areas, law enforcement may not have the time, resources, or manpower to police for human trafficking violations.

For the same reasons illustrated above, the prevalence of human trafficking in Michigan is difficult to determine. The estimates that exist likely do not give a good view of the scope of the issue.ⁱⁱ In

ⁱⁱ An often-repeated statistic is that Michigan is ranked 10th in the nation for human trafficking. This is largely based on the number of cases reported by the NHTRC. While these numbers are easily visualized, it remains



2021, the NHTRC received 943 phone calls, 56 online tip forms, 150 SMS reports, and 24 emails from individuals in Michigan; in all, the hotline received nearly 1,200 signals from Michigan.³¹ Of those communications, the NHTRC generated 295 cases that had indicators of trafficking with 429 victims involved. The majority, 238, were sex trafficking cases, 18 of the cases had indications of labor trafficking, and the remaining cases had indications of both types of trafficking or the nature of the case was not specified.³² The number of dispositions (i.e., sentences) for human trafficking offenses in Michigan remains fairly low. In 2022, these numbers were in the single digits.³³

LEGISLATIVE ACTION IN MICHIGAN

As discussed in the original paper, the 2013-14 Legislative Session saw a flurry of legislative action on human trafficking. The Legislature considered approximately 40 bills; Table 1 highlights the Public Acts enacted from the 2013-14 Legislative Session.

Table 1

Bill	Public Act No.	Description
SB 205	PA 326 of 2014	Increased penalties for soliciting sex act from a minor.
SB 206	PA 327 of 2014	Amended sentencing guidelines for soliciting a person under 18 years of age to reflect increased penalty.
SB 584	PA 324 of 2014	Eliminated statute of limitation for certain trafficking offenses.
SB 585	PA 334 of 2014	Provides deferred sentencing for human trafficking victims.
SB 587	PA 337 of 2014	Provides for counseling program for minor victims of human trafficking.
SB 590	PA 339 of 2014	Enacted the Human Trafficking Victims Compensation Act.
SB 592	PA 341 of 2014	Allows human trafficking victims to receive medical assistance benefits under the Social Welfare Act.
SB 593	PA 338 of 2014	Requires a supervising agency to place a child who is a human trafficking victim in an appropriate setting.
SB 596	PA 461 of 2014	Enacted the Human Trafficking Health Advisory Board Act.
SB 597	PA 343 of 2014	Requires the Department of Licensing and Regulatory Affairs to implement training standards for health professionals to identify human trafficking victims.
SB 602	PA 328 of 2014	Amended definition of "tier II offender" to include crime of trafficking minors for forced labor or sex.
HB 4186	PA 463 of 2014	Allows for expunction of certain crimes.
HB 5012	PA 363 of 2014	Establishes a presumption of coercion for minors engaged in prostitution.
HB 5025	PA 335 of 2014	Allows human trafficking victims to set aside certain prostitution convictions.
HB 5026	PA 342 of 2014	Allows court jurisdiction over juveniles in danger of substantial physical or psychological harm
HB 5158	PA 325 of 2014	Enacted the Human Trafficking Commission Act.
HB 5230	PA 387 of 2014	Allows abatement for property used for human trafficking.
HB 5231	PA 331 of 2014	Eliminated gender references in various prostitution statutes.
HB 5233	PA 333 of 2014	Allows for the forfeiture of property used in human trafficking violations.
HB 5234	PA 329 of 2014	Modified various provisions within the Penal Code to address human trafficking.
HB 5236	PA 332 of 2014	Amended the definition of "crime" for purposes of asset forfeiture.
HB 5237	PA 340 of 2014	Changed MCL citation to account for amendments to the Penal Code.
HB 5239	PA 344 of 2014	Requires the DHHS to forward suspected child abuse involving human trafficking violations to law enforcement.

unclear whether state-by-state comparisons based on reports to the NHTRC reflect actual comparative levels of human trafficking.



Subsequent years have been less active, with some exceptions. In 2019, the Michigan Human Trafficking Commission recommended approximately 30 separate measures related to human trafficking.³⁴ By early 2020, most of those measures had been introduced as bills in the Legislature. However, the COVID-19 pandemic and its effects shifted the focus of the Legislature, and few, if any, of those measures saw further action. In the 2021-22 Legislative Session, there were under two dozen bills related to human trafficking introduced, mostly related to sex trafficking and prostitution.ⁱⁱⁱ None of those proposals were enacted, and few of them saw action beyond introduction.

In the 2023-24 Legislative Session, as mid-November 2024, there are over 20 bills pending pertaining to human trafficking, including duplicates introduced in both the House and the Senate.^{iv} Three bills relating to the admissibility of evidence in human trafficking cases have passed the Senate. Senate Bill 515 would amend Chapter 8 (Trials) of the Code of Criminal Procedure to allow a statement concerning prostitution or human trafficking to be admissible as evidence. Senate Bill 516 also would amend Chapter 8 to allow evidence of a defendant's prior commission of commercial sexual activity, human trafficking, or prostitution to be admissible for any relevant purpose. Senate Bill 517 would amend Chapter 67A of the Penal Code to prohibit a victim, complainant, or witness necessary for the prosecution from being excused from testifying or complying with an investigation, proceeding, or trial involving human trafficking if evidence would tend to degrade or incriminate the individual. As of mid-November 2024, these bills were reported from the House Committee on Judiciary to the House floor.

In June 2024, members of the Michigan House of Representatives introduced a package of bills pertaining to human trafficking. These bills received a hearing before the Michigan House Committee on Judiciary in mid-November 2024 and were reported to the House floor with Senate Bills 515, 516, and 517. The bills and synopses of the changes they would make to current law are presented in [Table 2](#), below.

Table 2

Bill	Description
HB 5836	Expand the types of criminal convictions that could be set aside based on the offender being a human trafficking victim.
HB 5837	Establish an affirmative defense that an individual committed a crime because he or she was a human trafficking victim.
HB 5838	Expand the expunction of crimes resulting from being a human trafficking victim.
HB 5839	Create 'safe harbor' protections for minors who are trafficking victims.
HB 5840	Modify the qualifications of expert witnesses in human trafficking cases.
HB 5841	Modify references to prostitute and prostitution in the Michigan Penal Code.
HB 5842	Modify references to prostitute and prostitution in the DNA Identification Profiling System Act.
HB 5843	Modify references to prostitute and prostitution in the Probate Code.
HB 5844	Modify references to prostitute and prostitution in the Juvenile Facilities Act.
HB 5845	Modify references to prostitute and prostitution in the Youth Rehabilitation Services Act.
HB 5846	Modify references to prostitute and prostitution in the Public Health Code.
HB 5847	Modify references to prostitute and prostitution in the Fourth Class City Act.
HB 5848	Modify references to prostitute and prostitution in the Michigan Gaming Control and Revenue Act.

ⁱⁱⁱ This approximation counts only bills that would make statutory changes, not appropriations bills.

^{iv} This approximation counts only bills that would make statutory changes, not appropriations bills.



HB 5849	Modify references to prostitute and prostitution in the Revised Judicature Act.
HB 5850	Modify references to prostitute and prostitution in the Child Care Organizations Act.
HB 5851	Modify references to prostitute and prostitution in the Child Protection Law.
HB 5852	Modify references to prostitute and prostitution in the Human Trafficking Notification Act.
HB 5853	Modify references to prostitute and prostitution in the Sex Offender Registration Act.
HB 5854	Modify references to prostitute and prostitution in the Michigan Liquor Control Code.

PROPOSED MEASURES IN MICHIGAN

Various stakeholders in Michigan who represent human trafficking victims, victims' services organizations, and criminal justice advocates have suggested a number of measures to continue honing Michigan's response to human trafficking. Below is a (nonexhaustive) summary of those proposals. Note that many (if not all) of these have been proposed as bills in the 2023-24 Session, and many of these are reflected in the Michigan Human Trafficking Commission's 2022 report.

One large-scale proposal is billed as a modernization of Chapter 67 (Prostitution) of the Penal Code and other statutes (see, e.g., House Bill 5841 through 5854). In broad terms, this proposal would modify references to "prostitution" (a currently undefined term in statute) to refer instead to "commercial sexual activity".³⁵ In addition, the measure would define the crimes of providing and obtaining commercial sexual activity, with exceptions for victims of sex trafficking and pandering (under certain circumstances). In addition, the proposal would decrease to misdemeanors the penalties for providers of commercial sexual activity and would increase to felonies those for obtainers of commercial sexual activity. Lastly, the proposal would replace archaic language (such as "house of ill fame" or "bawdy house") with more modern terminology.

Other proposals would attempt to strengthen victim protections by doing the following:

- **Expanding a rebuttable presumption afforded to minors found in commercial sexual activity situations.** Under MCL 750.451(6), it is presumed that a minor who is prosecuted for commercial sexual activity was forced or coerced into engaging in the activity. However, a minor who fails to substantially comply with court-ordered services is not eligible for the presumption. It has been suggested that this requirement be eliminated or modified such that the minor's compliance would be one of several factors in continuing the presumption.
- **Expanding expungement for victims who have criminal convictions.** Michigan has gradually increased the number of crimes for which a human trafficking victim may apply for expungement. Some proposals would continue this expansion incrementally, while others have suggested expansion to nearly all crimes.
- **Affirmative defense for human trafficking victims.** Michigan statute does not have an affirmative defense for human trafficking victims who have been charged with criminal offenses. Instead, victims who are convicted must seek expungement or a set-aside. Some have suggested that Michigan establish an affirmative defense for victims who can show that the commission of their crime was a direct result of their being a human trafficking victim.

Other proposals would modify statutes related to criminal procedure and evidence to help make it easier to prosecute traffickers, including the following:

- **Amending the threshold to allow introduction of expert witness testimony for human trafficking cases.** Many cases allow for the introduction of expert witness testimony at trial to explain a victim's behavior when it deviates from what the public might expect. In 2017, Michigan enacted a law that allowed the introduction of expert witness testimony if it "is otherwise admissible under the rules of evidence as laws of this state" (see MCL 750.762g(2)). However, stakeholders believe that more specificity is needed as to the standard that courts should apply when determining who is qualified to serve as an expert witness in human trafficking cases.
- **Expanding statutory immunity for compelled testimony to human trafficking offenses.** Chapter 67 of the Penal Code provides statutory immunity for a person who is compelled to testify in a prostitution case. Many note that the same incentives apply in human trafficking cases, i.e., many are unwilling to testify if it may expose them to criminal liability.

Still other proposals exist to aid human trafficking prevention efforts. These include mandated human trafficking training requirements for various businesses or licensees (such as those already required for certain health professionals), heightened worker protections (such as labor inspections, outreach programs, or confidentiality guarantees for reporting labor law violations), and supply chain protections.

CONCLUSION

While its true prevalence remains unknown, human trafficking remains a problem on a global level, nationally, and here in Michigan. Since the Federal government enacted the TVPA, the body of law to prevent human trafficking, prosecute traffickers, and aid victims has grown substantially. This is especially true in Michigan, particularly during 2014. While the 2013-14 Legislative Session represented a watershed session for anti-human trafficking legislative efforts, there are ongoing efforts and proposed measures to aid in prosecution and help victims. These proposals include additional criminal procedural modifications for human trafficking cases, training requirements, and changes to Michigan's prostitution statutes.

¹ International Labour Organization, "Global Estimates of Modern Slavery: Forced Labour and Forced Marriage", September 2022. Retrieved 5-8-2024. The ILO notes that these estimates are derived from multiple data sources because no one source was sufficiently reliable.

² See Mann, Jeffrey, "An Overview of Human Trafficking in the U.S. and Michigan", Senate Fiscal Agency, *State Notes*, Spring 2014.

³ 22 USC § 7102. This definition is for the "severe forms of trafficking in persons" related to labor. The terms "involuntary servitude" and "debt bondage" are defined separately.

⁴ "National Statistics", National Human Trafficking Resource Center, humantraffickinghotline.org/en/statistics. Retrieved 11-26-2024.

⁵ "Myths & Facts", NHTRC, humantraffickinghotline.org/en/human-trafficking/myths-facts. Retrieved on 11-26-2024.

⁶ 22 USC § 7102. A commercial sex act is any sex act on account of which anything of value is given to or received by any person

⁷ *Id.*

⁸ See n.4.

⁹ Congress has reauthorized the TVPA through the Trafficking Victims Protection Reauthorization Acts of 2003, 2005, 2008, 2013, 2017, and 2018. See "Key Legislation", US Department of Justice, www.justice.gov/humantrafficking/key-legislation, retrieved on 11-26-2024; "Federal Law", National Human Trafficking Hotline, humantraffickinghotline.org/en/human-trafficking/federal-law, retrieved 11-26-2024.

¹⁰ According to US Citizenship and Immigration Services, T nonimmigrant status (a T visa) is available to noncitizens who are or have been victims of a severe form of trafficking. Alternatively, U nonimmigrant status (U visa) is for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity. Each nonimmigration status has differing qualifications to receive its protections.

¹¹ 29 CFR 1975.6.

¹² US Department of Justice, "Attorney General's Annual Report to Congress on U.S. Government Activities to Combat Trafficking in Persons Fiscal Year 2021", p. 34-35. Retrieved 11-26-2024.

¹³ 18 USC § 2421.

¹⁴ MCL 750.462b and 750.462c.

¹⁵ MCL 750.462d.

¹⁶ *Id.* The definition of enterprise is expansive: an individual, various legal entities, or a group of persons associated in fact although not a legal entity.

¹⁷ MCL 750.462e. "Commercial sexual activity" means one or more of the following for which anything of value is given or received by any person: a) an act of sexual penetration or sexual contact, b) child sexually abusive activity or the production or possession of child sexually abusive material, or c) a sexually explicit performance.

¹⁸ MCL 750.462f.

¹⁹ MCL 752.983.

²⁰ MCL 752.993.

²¹ MCL 752.994.

²² MCL 752.973.

²³ MCL 752.974.

²⁴ United States Department of State, *Trafficking in Persons Report 2013*, 381, retrieved 11-25-2024, available at: <http://www.state.gov/j/tip/rls/tiprpt/2013>.

²⁵ Michigan Commission on Human Trafficking, "2013 Report on Human Trafficking", 37, retrieved 11-26-2024, available at <https://www.michigan.gov/mhtc/reports>.

²⁶ "Human Trafficking Data Collection Activities, 2023" *Data Collection Profile*, US Department of Justice, Bureau of Justice Statistics, p. 4, retrieved 11-27-2024, available at: <https://bjs.ojp.gov/library/publications/human-trafficking-data-collection-activities-2023>.

²⁷ *Id.*

²⁸ National Human Trafficking Resource Center, "National Human Trafficking Hotline Data Report", retrieved 11-25-2024.

²⁹ *Id.* These numbers (and those noted for Michigan) are higher than those reported by the NHTRC in its 2013 data (see n.2 for a synopsis of these data), but that does not necessarily mean trafficking has increased. Many states, including Michigan, have enacted signage legislation that requires signs to be posted with the NHTRC's hotline information. Increased numbers could simply indicate that more trafficking victims are aware about the hotline.

³⁰ Finkelhor, D., *et al.*, "Sex Trafficking of Minors: How Many Juveniles Are Being Prostituted in the US?", Crimes Against Children Research Center, May 2008 (Revised November 2017).

³¹ NHTRC, "Michigan", humantraffickinghotline.org/en/statistics/michigan#year-2021. Retrieved 11-27-2024.

³² *Id.*

³³ Michigan Department of Corrections, "2022 Statistical Report", A-34, 5-31-2023.

³⁴ Michigan Human Trafficking Commission, "2022 Report to the Governor and Legislature", 14.