



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

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The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by February 1, 2026. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

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PROPOSED

The Committee proposes a new instruction, M Crim JI 36.9 (Soliciting a Person to Commit Prostitution) to address the crime set forth in MCL 750.448. This instruction is entirely new.

[NEW]	M Crim JI 36.9	Soliciting a Person to Commit Prostitution
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(1) The defendant is charged with the crime of soliciting, accosting, or inviting another person to commit prostitution or any other lewd or immoral act. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant intentionally communicated with [*identify person*] verbally, by gesture, or by any other means.

(3) Second, that when communicating with [*identify person*], the defendant proposed that [*identify person*] commit [an act of prostitution / a lewd act].

[Prostitution means performing sexual acts for money or for anything of value. / A lewd act is conduct that is sexual in nature and is shocking to the sensibilities of a reasonable person, is outside of reasonable societal standards of decency, and would be offensive to a reasonable person.]

(4) Third, that when the defendant communicated with [*identify person*], [he / she] did so [in a public place / in or from a building / in or from a car].

[A public place is anywhere that people are generally allowed to be without being given permission.]

(5) Fourth, that the defendant was at least 16 years old when [he / she] proposed the [act of prostitution / lewd act].

*[Use the following paragraph only if the defendant was under 18 years of age at the time of the alleged offense:]*¹

(6) Fifth,² that the defendant was not forced or coerced into proposing the [act of prostitution / lewd act]. You may, but you do not have to, infer from the defendant's youth that [he / she] was forced or coerced into committing the offense by another person engaged in human trafficking.³

Use Notes

1. For a violation of MCL 750.448 committed by a defendant under 18 years of age, MCL 750.451(6) establishes a presumption that the defendant was forced or coerced into committing the offense by another person engaged in human trafficking in violation of MCL 750.462a *et seq.* The prosecution may overcome this presumption by proving beyond a reasonable doubt that the person was not forced or coerced into committing the offense.

2. Do not read this paragraph if the state petitioned the family division of the circuit court to find the defendant to be dependent and in danger of substantial physical or psychological harm under MCL 712A.2 but the defendant failed to substantially comply with court-ordered services. In this scenario, the defendant is not eligible for the presumption under MCL 750.451(6).

3. *Human trafficking* for purposes of MCL 750.451(6) refers to the crimes set forth in MCL 750.462a–.462h. If appropriate, the jury should be instructed on the relevant form of human trafficking. *See* M Crim JI 36.1–36.6.