

HOUSE BILL No. 5984

September 12, 1990, Introduced by Reps. Runco, Honigman, Rocca, Kulchitsky, Porreca, Pitoniak, Kosteva, Jaye, Bartnik, Hoffman, Nye, Muxlow, Sparks, Randall, Strand, Dunaskiss, Stopczynski, Middaugh, Van Regenmorter, Sikkema, Crandall, Fitzgerald, Alley, Willis Bullard, Bennett, Maynard, DeBeaussaert, DeMars, Palamara, Webb, Leland, Richard A. Young and London and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding sections 411f, 411g, 411h, 411i, and
411j.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding sections 411f, 411g, 411h, 411i, and
4 411j to read as follows:

5 SEC. 411F. (1) A MINOR SHALL NOT PURCHASE OR POSSESS A
6 PAGING DEVICE OR USE A PAGING SERVICE WITHOUT HAVING IN HIS OR
7 HER POSSESSION THE WRITTEN PERMISSION OF AT LEAST 1 OF HIS OR HER

1 PARENTS OR LEGAL GUARDIANS TO PURCHASE OR POSSESS A PAGING DEVICE
2 OR USE A PAGING SERVICE.

3 (2) A MINOR SHALL NOT PURCHASE OR POSSESS A PAGING DEVICE OR
4 USE A PAGING SERVICE FOR PURPOSES OF HIS OR HER EMPLOYMENT WITH
5 ANOTHER PERSON UNLESS BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

6 (A) THE MINOR HAS IN HIS OR HER POSSESSION THE WRITTEN PER-
7 MISSION OF AT LEAST 1 OF HIS OR HER PARENTS OR LEGAL GUARDIANS TO
8 PURCHASE OR POSSESS A PAGING DEVICE OR USE A PAGING SERVICE FOR
9 PURPOSES OF HIS OR HER EMPLOYMENT WITH THAT PERSON.

10 (B) THE MINOR HAS IN HIS OR HER POSSESSION THE WRITTEN PER-
11 MISSION OF HIS OR HER EMPLOYER TO PURCHASE OR POSSESS A PAGING
12 DEVICE OR TO USE A PAGING SERVICE FOR PURPOSES OF HIS OR HER
13 EMPLOYMENT WITH THAT PERSON.

14 (3) A MINOR WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
15 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A
16 FINE OF NOT MORE THAN \$100.00, OR BOTH.

17 (4) AS USED IN THIS SECTION:

18 (A) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

19 (B) "PAGING DEVICE" MEANS A PORTABLE 1-WAY COMMUNICATION
20 DEVICE DESIGNED TO PROVIDE AN INDIVIDUAL WITH NOTIFICATION OF, OR
21 INFORMATION ABOUT, MESSAGES.

22 (C) "PAGING SERVICE" MEANS A SERVICE DESIGNED TO PROVIDE
23 INDIVIDUALS WITH NOTIFICATION OF, OR INFORMATION ABOUT, MESSAGES
24 THROUGH THE USE OF PAGING DEVICES.

25 SEC. 411G. (1) A PERSON SHALL NOT KNOWINGLY DISTRIBUTE A
26 PAGING DEVICE TO A MINOR OR PROVIDE ACCESS TO A PAGING SERVICE TO
27 A MINOR UNLESS BOTH OF THE FOLLOWING CIRCUMSTANCES EXIST:

1 (A) THE MINOR HAS IN HIS OR HER POSSESSION THE WRITTEN
2 PERMISSION OF AT LEAST 1 OF HIS OR HER PARENTS OR LEGAL GUARDIANS
3 TO PURCHASE OR POSSESS A PAGING DEVICE OR TO USE A PAGING
4 SERVICE.

5 (B) IF THE PAGING DEVICE OR PAGING SERVICE IS FOR THE PUR-
6 POSE OF THE MINOR'S EMPLOYMENT, BOTH OF THE FOLLOWING CIRCUM-
7 STANCES EXIST:

8 (i) THE MINOR HAS IN HIS OR HER POSSESSION THE WRITTEN PER-
9 MISSION OF AT LEAST 1 OF HIS OR HER PARENTS OR LEGAL GUARDIANS TO
10 PURCHASE OR POSSESS A PAGING DEVICE OR USE A PAGING SERVICE FOR
11 PURPOSES OF HIS OR HER EMPLOYMENT WITH THAT PERSON.

12 (ii) THE MINOR HAS IN HIS OR HER POSSESSION THE WRITTEN PER-
13 MISSION OF HIS OR HER EMPLOYER TO PURCHASE OR POSSESS A PAGING
14 DEVICE OR TO USE A PAGING SERVICE FOR PURPOSES OF HIS OR HER
15 EMPLOYMENT WITH THAT PERSON.

16 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
17 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR
18 A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

19 (3) AS USED IN THIS SECTION:

20 (A) "DISTRIBUTE" MEANS TO SELL, LEND, LEASE, OR GIVE.

21 (B) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

22 (C) "PAGING DEVICE" MEANS A PORTABLE 1-WAY COMMUNICATION
23 DEVICE DESIGNED TO PROVIDE AN INDIVIDUAL WITH NOTIFICATION OF, OR
24 INFORMATION ABOUT, MESSAGES.

25 (D) "PAGING SERVICE" MEANS A SERVICE DESIGNED TO PROVIDE
26 INDIVIDUALS WITH NOTIFICATION OF, OR INFORMATION ABOUT, MESSAGES
27 THROUGH THE USE OF PAGING DEVICES.

1 SEC. 411H. (1) A PERSON SHALL NOT KNOWINGLY DISTRIBUTE A
2 PAGING DEVICE TO A MINOR OR PROVIDE ACCESS TO A PAGING SERVICE TO
3 A MINOR IF THE PERSON KNOWS OR HAS REASON TO KNOW THE MINOR WILL
4 USE THE PAGING DEVICE OR PAGING SERVICE TO VIOLATE A LAW OF THIS
5 STATE OR AN ORDINANCE OF A LOCAL UNIT OF GOVERNMENT OF THIS
6 STATE.

7 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
8 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR
9 A FINE OF NOT MORE THAN \$100.00, OR BOTH.

10 (3) AS USED IN THIS SECTION:

11 (A) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

12 (B) "PAGING DEVICE" MEANS A PORTABLE 1-WAY COMMUNICATION
13 DEVICE DESIGNED TO PROVIDE AN INDIVIDUAL WITH NOTIFICATION OF, OR
14 INFORMATION ABOUT, MESSAGES.

15 (C) "PAGING SERVICE" MEANS A SERVICE DESIGNED TO PROVIDE
16 INDIVIDUALS WITH NOTIFICATION OF, OR INFORMATION ABOUT MESSAGES
17 THROUGH THE USE OF PAGING DEVICES.

18 SEC. 411I. (1) A PERSON WHO SUBSCRIBES TO A PAGING SERVICE
19 SHALL NOT KNOWINGLY TRANSFER THE SUBSCRIPTION TO THAT SERVICE TO
20 A MINOR UNLESS THE PERSON PREPARES AN AFFIDAVIT THAT CONTAINS ALL
21 OF THE FOLLOWING:

22 (A) A STATEMENT OF THE PERSON'S FULL NAME AND ADDRESS.

23 (B) A STATEMENT OF THE MINOR'S FULL NAME AND ADDRESS.

24 (C) A STATEMENT OF THE MINOR'S AGE AND A STATEMENT THAT THE
25 SUBSCRIPTION IS BEING TRANSFERRED TO THAT MINOR.

1 (2) A PERSON WHO TRANSFERS A SUBSCRIPTION TO A PAGING
2 SERVICE UNDER SUBSECTION (1) SHALL RETAIN A COPY OF THE AFFIDAVIT
3 OF TRANSFER FOR A PERIOD OF 1 YEAR.

4 (3) A PERSON WHO TRANSFERS A SUBSCRIPTION TO A PAGING SERV-
5 ICE IN VIOLATION OF SUBSECTION (1), OR WHO KNOWINGLY PREPARES A
6 FALSE AFFIDAVIT OF THAT TRANSFER IS GUILTY OF A FELONY, PUNISH-
7 ABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR A FINE OF NOT
8 MORE THAN \$2,000.00, OR BOTH.

9 (4) A PERSON WHO VIOLATES SUBSECTION (2) IS GUILTY OF A MIS-
10 DEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS,
11 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

12 (5) AS USED IN THIS SECTION:

13 (A) "MINOR" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

14 (B) "PAGING DEVICE" MEANS A PORTABLE 1-WAY COMMUNICATION
15 DEVICE DESIGNED TO PROVIDE AN INDIVIDUAL WITH NOTIFICATION OF, OR
16 INFORMATION ABOUT, MESSAGES.

17 (C) "PAGING SERVICE" MEANS A SERVICE DESIGNED TO PROVIDE
18 INDIVIDUALS WITH NOTIFICATION OF, OR INFORMATION ABOUT, MESSAGES
19 THROUGH THE USE OF PAGING DEVICES.

20 SEC. 411J. (1) A PERSON WHO CARRIES OR HAS IN HIS OR HER
21 POSSESSION A PAGING DEVICE AT THE TIME HE OR SHE COMMITS OR
22 ATTEMPTS TO COMMIT A FELONY VIOLATION OF SECTION 7401, 7402, OR
23 7403 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
24 1978, BEING SECTIONS 333.7401, 333.7402, AND 333.7403 OF THE
25 MICHIGAN COMPILED LAWS, IS GUILTY OF A FELONY AND SHALL BE
26 IMPRISONED FOR 2 YEARS.

1 (2) THE TERM OF IMPRISONMENT PRESCRIBED BY THIS SECTION
2 SHALL BE IN ADDITION TO THE SENTENCE IMPOSED FOR THE CONVICTION
3 OF THE FELONY OR THE ATTEMPT TO COMMIT THE FELONY, AND SHALL BE
4 SERVED CONSECUTIVELY WITH AND PRECEDING ANY TERM OF IMPRISONMENT
5 IMPOSED FOR THE CONVICTION OF THE FELONY OR ATTEMPT TO COMMIT THE
6 FELONY.

7 (3) THE TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION
8 SHALL NOT BE SUSPENDED. THE PERSON SUBJECT TO THE SENTENCE MAN-
9 DATED BY THIS SECTION SHALL NOT BE ELIGIBLE FOR PAROLE OR PROBA-
10 TION DURING THE MANDATORY TERM IMPOSED PURSUANT TO SUBSECTION
11 (1).

12 (4) AS USED IN THIS SECTION, "PAGING DEVICE" MEANS A
13 PORTABLE 1-WAY COMMUNICATION DEVICE DESIGNED TO PROVIDE AN INDI-
14 VIDUAL WITH NOTIFICATION OF, OR INFORMATION ABOUT, MESSAGES.