

# HOUSE BILL No. 5348

November 4, 1997, Introduced by Reps. Fitzgerald, Scranton, Jelinek, Godchaux, Cropsey, Kaza, McBryde, Gernaat, Bankes, Gilmer, Bodem, Rocca, Wojno, Dalman, DeHart, Dobb, Rison, Johnson, Horton, Hammerstrom, Law, Crissman, Byl, McManus, Lowe, Schermesser, Jellema, Gire, Jansen, Middleton, Green, Schauer, Kilpatrick, Scott, Geiger, Richner, Oxender, Middaugh, Cassis, Birkholz, Voorhees, Perricone, Raczkowski, Goschka and Kukuk and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 145d.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 145D. (1) A PERSON SHALL NOT USE THE INTERNET TO  
2 FACILITATE ANY PART OF COMMITTING, ATTEMPTING TO COMMIT, CONSPIR-  
3 ING TO COMMIT, OR SOLICITING ANOTHER PERSON TO COMMIT CONDUCT  
4 PROSCRIBED UNDER SECTION 145C, 301, 302, 303, 304, 305, 305A, OR  
5 313.

6        (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
7 FELONY PUNISHABLE AS FOLLOWS:

8        (A) FOR A FIRST OFFENSE, BY IMPRISONMENT FOR NOT MORE THAN 2  
9 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

1 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, BY IMPRISONMENT FOR  
2 NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR  
3 BOTH.

4 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING  
5 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION  
6 OF LAW COMMITTED BY THAT PERSON WHILE VIOLATING THIS SECTION,  
7 INCLUDING THE UNDERLYING OFFENSE.

8 (4) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION MAY BE  
9 SERVED CONSECUTIVELY TO AND PRECEDING ANY TERM OF IMPRISONMENT  
10 IMPOSED FOR CONVICTION OF THE UNDERLYING OFFENSE.

11 (5) AS USED IN THIS SECTION, "INTERNET" MEANS A WORLDWIDE  
12 INTERCONNECTION OF INDIVIDUAL COMPUTERS AND COMPUTER NETWORKS AND  
13 THE FACILITIES AND EQUIPMENT USED TO ACCESS THOSE INTERCONNECTED  
14 NETWORKS.