

A SUMMARY OF HOUSE BILLS 4869 AND 4870 AS INTRODUCED 9-28-99

House Bills 4869 and 4870 would amend the Michigan Penal Code (MCL 750.145d) and the Code of Criminal Procedure (MCL 777.16g), respectively, to establish two new crimes involving use of the Internet, increase felony penalties for existing crimes, and provide misdemeanor penalties.

Under current law, it is illegal to use the Internet, a computer, or a computer program, network, or system to communicate with any person for the purpose of doing any of the following:

-- Committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following crimes, when the victim or intended victim was a minor: involvement in child sexually abusive activity or material (MCL 750.145c); kidnaping (MCL 750.349); stalking or aggravated stalking (MCL 750.411h and 750.411i); first-, second-, third-, or fourth-degree criminal sexual conduct (CSC) (MCL 750.520b-750.520e); or assault with intent to commit CSC (MCL 750.520g).

-- Committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following: solicitation of a child for immoral purposes (MCL 750.145a); recruitment or inducement of a minor to commit a felony (MCL 750.157c); or kidnaping of a child under the age of 14 (MCL 750.350).

Both of these crimes are felonies, punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both. If a person had one or more prior convictions, the offense would be punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both. ("Prior conviction" would include a violation or attempted violation of the bill, or a law of the United States or another state substantially corresponding to the bill.)

House Bill 4869 would also prohibit the use of the Internet, etc. in order to do any of the following: 1) threaten to kill or physically injure another person, 2) threaten to damage another person's property, or 3) otherwise intentionally harass, intimidate, or frighten another person.

Threatening to kill or otherwise injure another person would be a felony, as are the existing crimes, while threatening to damage property or otherwise harassing or intimidating would be a misdemeanor. Under the bill, a misdemeanor offense would be punishable on the first offense by imprisonment for up to six months and/or a fine of not more than \$500. If the individual had a prior conviction it would be punishable by imprisonment for up to one year and/or a fine of no more than \$1,000.

The bill would also increase the penalties for felony offenses. A first offense would be punishable by up to four years' imprisonment and/or a fine of up to \$5,000. If the person had a prior conviction, he or she would face up to five years imprisonment and/or a fine of up to \$5,000.

House Bill 4870 would change the statutory sentencing guidelines regarding the offense of using the Internet or a computer for certain crimes to match the changes proposed in House Bill 4869. A first offense, which would be punishable by up to four years' imprisonment, would be categorized as a Class F felony against a person; a second or subsequent offense, which would be punishable by up to five years' imprisonment, would be categorized as a Class E felony against a person.

The bill is tie-barred to House Bill 4869.

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#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.