

# SENATE BILL No. 1024

February 1, 2006, Introduced by Senators HARDIMAN, BIRKHOLZ, JACOBS, KUIPERS, JELINEK, McMANUS, CHERRY, GOSCHKA, BISHOP, TOY and GARCIA and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 540 (MCL 750.540).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 540. ~~Cutting, tapping, using, etc., telephone or~~  
2 ~~telegraph wires, etc. Any person who shall wilfully and maliciously~~  
3 ~~cut, break, tap or make any connection with, or read, or copy, by~~  
4 ~~the use of telegraph or telephone instruments, or otherwise, in any~~  
5 ~~unauthorized manner, any message, either social or business,~~  
6 ~~sporting, commercial or other news reports, from any telegraph or~~  
7 ~~telephone line, wire or cable so unlawfully cut or tapped in this~~  
8 ~~state, or make unauthorized use of the same, or who shall wilfully~~  
9 ~~and maliciously prevent, obstruct or delay by any means or~~

~~contrivance whatsoever the sending, conveyance or delivery, in this state, of any authorized communication, sporting, commercial or ether news reports, by or through any telegraph or telephone line, eable or wire under the control of any telegraph or telephone company doing business in this state, or who shall wilfully and maliciously aid, agree with, employ, or conspire with any other person or persons to do any of the aforementioned unlawful acts, shall be guilty of a misdemeanor, punishable by imprisonment in the state prison not more than 2 years, or by a fine of not more than 1,000 dollars.~~

(1) A PERSON SHALL NOT WILLFULLY AND MALICIOUSLY CUT, BREAK, DISCONNECT, OR INTERRUPT ACCESS TO, OR TAP OR MAKE ANY UNAUTHORIZED CONNECTION WITH, ANY TELECOMMUNICATIONS DEVICE. THIS SUBSECTION DOES NOT APPLY TO AN INDIVIDUAL WHO OWNS THE TELECOMMUNICATIONS DEVICE UNLESS THE TELECOMMUNICATIONS DEVICE IS BEING USED BY AN INDIVIDUAL TO REPORT A CRIME, TO REPORT THE ILLNESS OF OR INJURY TO ANY PERSON, OR TO REPORT DOMESTIC VIOLENCE.

(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS FOLLOWS:

(A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

(B) IF THE INCIDENT TO BE REPORTED RESULTS IN INJURY TO OR THE DEATH OF ANY PERSON, THE PERSON VIOLATING THIS SECTION IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

(3) AS USED IN THIS SECTION:

1           (A) "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION  
2 1 OF 1978 PA 389, MCL 400.1501.

3           (B) "TELECOMMUNICATIONS DEVICE" MEANS A DEVICE DESIGNED OR  
4 INTENDED TO BE USED FOR COMMUNICATIONS THROUGH TELECOMMUNICATION  
5 SERVICES.

6           (C) "TELECOMMUNICATION SERVICES" MEANS THAT TERM AS DEFINED IN  
7 SECTION 102 OF THE MICHIGAN TELECOMMUNICATIONS ACT, 1991 PA 179,  
8 MCL 484.2102.

9           Enacting section 1. This amendatory act takes effect February  
10 1, 2006.

11           Enacting section 2. This amendatory act does not take effect  
12 unless House Bill No. 5043 of the 93rd Legislature is enacted into  
13 law.