

SENATE BILL No. 1119

March 2, 2006, Introduced by Senators VAN WOERKOM and CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2975.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2975. (1) THE ATTORNEY GENERAL MAY COMMENCE AN ACTION
2 AGAINST A PERSON WHO DEVELOPS OR MAINTAINS A WEBSITE OR PAGE ON A
3 WEBSITE FOR THE PURPOSE OF PUBLISHING INSTRUCTIONS FOR THE
4 MANUFACTURE OR CREATION OF METHAMPHETAMINE OR INFORMATION ON HOW TO
5 OBTAIN SUBSTANCES THAT MAY BE USED IN THE MANUFACTURE OR CREATION
6 OF METHAMPHETAMINE.

7 (2) THE COURT IN AN ACTION BROUGHT UNDER SUBSECTION (1) MAY
8 ORDER 1 OR MORE OF THE FOLLOWING FORMS OF RELIEF:

1 (A) INJUNCTIVE OR OTHER EQUITABLE RELIEF, AS APPROPRIATE.

2 (B) ACTUAL DAMAGES SUSTAINED BY THIS STATE OR THE RESIDENTS OF
3 THIS STATE THAT ARE CAUSED BY THE PUBLICATION.

4 (C) PUNITIVE DAMAGES THAT THE COURT DETERMINES ARE JUST AND
5 EQUITABLE.

6 (D) ACTUAL ATTORNEY FEES AND COSTS.

7 (3) THIS SECTION DOES NOT APPLY IF THE PUBLISHED INFORMATION
8 IS ONLY ON HOW TO OBTAIN SUBSTANCES THAT MAY BE LAWFULLY POSSESSED
9 IN THIS STATE AND THE PURPOSE OF THE WEBSITE IS TO PROVIDE
10 INFORMATION ON OBTAINING THE SUBSTANCES ONLY FOR LAWFUL PURPOSES
11 AND IN A LAWFUL MANNER.

12 (4) AS USED IN THIS SECTION:

13 (A) "INTERNET" MEANS THAT TERM AS DEFINED IN 47 USC 230.

14 (B) "METHAMPHETAMINE" MEANS THE SUBSTANCE DESCRIBED IN SECTION
15 7214(C) (ii) OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7214.

16 (C) "WEBSITE" MEANS A COLLECTION OF PAGES OF THE WORLD WIDE
17 WEB OR INTERNET, USUALLY IN HTML FORMAT.