

# HOUSE BILL No. 5079

June 11, 2009, Introduced by Reps. Warren, Smith, Young, Wayne Schmidt and Miller 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), as amended by 2006 PA 61.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 540. (1) A person shall not willfully and maliciously  
2 cut, break, disconnect, interrupt, tap, or make any unauthorized  
3 connection with any electronic medium of communication, including  
4 the internet or a computer, computer program, computer system, or  
5 computer network, or a telephone.

6       (2) A person shall not willfully and maliciously read or copy  
7 any message from any telegraph, telephone line, wire, cable,  
8 computer network, computer program, or computer system, or  
9 telephone or other electronic medium of communication that the

1 person accessed without authorization.

2 (3) A person shall not willfully and maliciously make  
3 unauthorized use of any electronic medium of communication,  
4 including ~~the internet or~~ a computer, computer program, computer  
5 system, or computer network, or telephone.

6 (4) A person shall not willfully and maliciously prevent,  
7 obstruct, or delay by any means the sending, conveyance, or  
8 delivery of any authorized communication, by or through any  
9 telegraph or telephone line, cable, wire, or any electronic medium  
10 of communication, including the internet or a computer, computer  
11 program, computer system, or computer network.

12 (5) A person who violates this section is guilty of a crime as  
13 follows:

14 (a) Except as provided in subdivision (b), the person is  
15 guilty of a felony punishable by imprisonment for not more than 2  
16 years or a fine of not more than \$1,000.00, or both.

17 (b) If the incident to be reported results in injury to or the  
18 death of any person, the person violating this section is guilty of  
19 a felony punishable by imprisonment for not more than 4 years or a  
20 fine of not more than \$5,000.00, or both.

21 (6) As used in this section:

22 (a) "Computer" means any connected, directly interoperable or  
23 interactive device, equipment, or facility that uses a computer  
24 program or other instructions to perform specific operations  
25 including logical, arithmetic, or memory functions with or on  
26 computer data or a computer program and that can store, retrieve,  
27 alter, or communicate the results of the operations to a person,

1 computer program, computer, computer system, or computer network.

2 (b) "Computer network" means the interconnection of hardwire  
3 or wireless communication lines with a computer through remote  
4 terminals, or a complex consisting of 2 or more interconnected  
5 computers.

6 (c) "Computer program" means a series of internal or external  
7 instructions communicated in a form acceptable to a computer that  
8 directs the functioning of a computer, computer system, or computer  
9 network in a manner designed to provide or produce products or  
10 results from the computer, computer system, or computer network.

11 (d) "Computer system" means a set of related, connected or  
12 unconnected, computer equipment, devices, software, or hardware.

13 (e) "Internet" means that term as defined in section 230 of  
14 ~~title II~~ of the communications act of 1934, 47 USC 230, and  
15 includes voice over internet protocol services.

16 (7) This section does not prohibit a person from being charged  
17 with, convicted of, or punished for any other violation of law  
18 committed by that person while violating or attempting to violate  
19 this section.