

SUBSTITUTE FOR  
HOUSE BILL NO. 5017

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1           SEC. 411X. (1) A PERSON SHALL NOT CYBERBULLY ANOTHER PERSON.
- 2           (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
- 3 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
- 4 A FINE OF NOT MORE THAN \$500.00, OR BOTH.
- 5           (3) A PERSON WHO VIOLATES SUBSECTION (1), AND WHO HAS A PRIOR
- 6 CONVICTION FOR A VIOLATION OF SUBSECTION (1), IS GUILTY OF A
- 7 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR
- 8 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.
- 9           (4) A PERSON WHO VIOLATES SUBSECTION (1) IN A MANNER THAT
- 10 INVOLVES A CONTINUED PATTERN OF HARASSING OR INTIMIDATING BEHAVIOR

1 AND BY THAT VIOLATION CAUSES SERIOUS INJURY TO THE VICTIM IS GUILTY  
2 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR  
3 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH. AS USED IN THIS  
4 SUBSECTION, "SERIOUS INJURY" MEANS PERMANENT, SERIOUS  
5 DISFIGUREMENT, SERIOUS IMPAIRMENT OF HEALTH, OR SERIOUS IMPAIRMENT  
6 OF A BODILY FUNCTION OF A PERSON.

7 (5) A PERSON WHO VIOLATES SUBSECTION (1) IN A MANNER THAT  
8 INVOLVES A CONTINUED PATTERN OF HARASSING OR INTIMIDATING BEHAVIOR  
9 AND BY THAT VIOLATION CAUSES THE DEATH OF THE VICTIM IS GUILTY OF A  
10 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A  
11 FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

12 (6) AS USED IN THIS SECTION:

13 (A) "CYBERBULLY" INCLUDES POSTING A MESSAGE OR STATEMENT IN A  
14 PUBLIC MEDIA FORUM ABOUT ANY OTHER PERSON IF BOTH OF THE FOLLOWING  
15 APPLY:

16 (i) THE MESSAGE OR STATEMENT IS INTENDED TO PLACE A PERSON IN  
17 FEAR OF BODILY HARM OR DEATH AND EXPRESSES AN INTENT TO COMMIT  
18 VIOLENCE AGAINST THE PERSON.

19 (ii) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO  
20 COMMUNICATE A THREAT OR WITH KNOWLEDGE THAT IT WILL BE VIEWED AS A  
21 THREAT.

22 (B) "PATTERN OF HARASSING OR INTIMIDATING BEHAVIOR" MEANS A  
23 SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS OF HARASSING OR  
24 INTIMIDATING BEHAVIOR.

25 (C) "PUBLIC MEDIA FORUM" MEANS THE INTERNET OR ANY OTHER  
26 MEDIUM DESIGNED OR INTENDED TO BE USED TO CONVEY INFORMATION TO  
27 OTHER INDIVIDUALS, REGARDLESS OF WHETHER A MEMBERSHIP OR PASSWORD

1 IS REQUIRED TO VIEW THE INFORMATION.

2 Enacting section 1. This amendatory act takes effect 90 days  
3 after the date it is enacted into law.