

# HOUSE BILL No. 5129

October 17, 2017, Introduced by Rep. Lucido and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled  
 "The Michigan penal code,"  
 by amending section 145d (MCL 750.145d), as amended by 2012 PA 353.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 145d. (1) A person shall not use the internet or a  
 2 computer, computer program, computer network, or computer system to  
 3 communicate with any person for the purpose of ~~doing any of the~~  
 4 ~~following:~~

5           ~~— (a) Committing, attempting to commit, conspiring to commit, or~~  
 6 ~~soliciting another person to commit conduct proscribed under~~  
 7 ~~section 145a, 145e, 157e, 349, 350, 520b, 520c, 520d, 520e, or~~  
 8 ~~520g, or section 5 of 1978 PA 33, MCL 722.675, in which the victim~~  
 9 ~~or intended victim is a minor or is believed by that person to be a~~  
 10 ~~minor.~~

1 ~~(b) Committing, attempting to commit, conspiring to commit, or~~  
2 ~~soliciting another person to commit conduct proscribed under~~  
3 ~~section 411h or 411i.~~

4 ~~(c) Committing, attempting to commit, conspiring to commit, or~~  
5 ~~soliciting another person to commit conduct proscribed under~~  
6 ~~chapter XXXVIII or section 327, 327a, 328, or 411a(2).~~ **COMMITTING,**  
7 **ATTEMPTING TO COMMIT, CONSPIRING TO COMMIT, OR SOLICITING ANOTHER**  
8 **PERSON TO COMMIT CONDUCT PROSCRIBED UNDER THE PENAL LAWS OF THIS**  
9 **STATE.**

10       (2) A person who violates this section is guilty of a crime as  
11 follows:

12       (a) If the underlying crime is a misdemeanor or a felony with  
13 a maximum term of imprisonment of less than 1 year, the person is  
14 guilty of a misdemeanor punishable by imprisonment for not more  
15 than 1 year or a fine of not more than \$5,000.00, or both.

16       (b) If the underlying crime is a misdemeanor or a felony with  
17 a maximum term of imprisonment of 1 year or more but less than 2  
18 years, the person is guilty of a felony punishable by imprisonment  
19 for not more than 2 years or a fine of not more than \$5,000.00, or  
20 both.

21       (c) If the underlying crime is a misdemeanor or a felony with  
22 a maximum term of imprisonment of 2 years or more but less than 4  
23 years, the person is guilty of a felony punishable by imprisonment  
24 for not more than 4 years or a fine of not more than \$5,000.00, or  
25 both.

26       (d) If the underlying crime is a felony with a maximum term of  
27 imprisonment of 4 years or more but less than 10 years, the person

1 is guilty of a felony punishable by imprisonment for not more than  
2 10 years or a fine of not more than \$5,000.00, or both.

3 (e) If the underlying crime is a felony punishable by a  
4 maximum term of imprisonment of 10 years or more but less than 15  
5 years, the person is guilty of a felony punishable by imprisonment  
6 for not more than 15 years or a fine of not more than \$10,000.00,  
7 or both.

8 (f) If the underlying crime is a felony punishable by a  
9 maximum term of imprisonment of 15 years or more or for life, the  
10 person is guilty of a felony punishable by imprisonment for not  
11 more than 20 years or a fine of not more than \$20,000.00, or both.

12 (3) The court may order that a term of imprisonment imposed  
13 under this section be served consecutively to any term of  
14 imprisonment imposed for conviction of the underlying offense.

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

19 (5) This section applies regardless of whether the person is  
20 convicted of committing, attempting to commit, conspiring to  
21 commit, or soliciting another person to commit the underlying  
22 offense.

23 (6) A violation or attempted violation of this section occurs  
24 if the communication originates in this state, is intended to  
25 terminate in this state, or is intended to terminate with a person  
26 who is in this state.

27 (7) A violation or attempted violation of this section may be

1 prosecuted in any jurisdiction in which the communication  
2 originated or terminated.

3 (8) The court may order a person convicted of violating this  
4 section to reimburse this state or a local unit of government of  
5 this state for expenses incurred in relation to the violation ~~in~~  
6 ~~the same manner that expenses may be ordered to be reimbursed under~~  
7 section 1f of chapter IX of the code of criminal procedure, 1927 PA  
8 175, MCL 769.1f.

9 (9) As used in this section:

10 (a) "Computer" means any connected, directly interoperable or  
11 interactive device, equipment, or facility that uses a computer  
12 program or other instructions to perform specific operations  
13 including logical, arithmetic, or memory functions with or on  
14 computer data or a computer program and that can store, retrieve,  
15 alter, or communicate the results of the operations to a person,  
16 computer program, computer, computer system, or computer network.  
17 Computer includes a computer game device or a cellular telephone,  
18 personal digital assistant (PDA), or other handheld device.

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

23 (c) "Computer program" means a series of internal or external  
24 instructions communicated in a form acceptable to a computer that  
25 directs the functioning of a computer, computer system, or computer  
26 network in a manner designed to provide or produce products or  
27 results from the computer, computer system, or computer network.

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

3 (e) "Device" includes, but is not limited to, an electronic,  
4 magnetic, electrochemical, biochemical, hydraulic, optical, or  
5 organic object that performs input, output, or storage functions by  
6 the manipulation of electronic, magnetic, or other impulses.

7 (f) "Internet" means that term as defined in section 230 of  
8 the communications act of 1934, 47 USC 230.

9 ~~(g) "Minor" means an individual who is less than 18 years of~~  
10 ~~age.~~

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