

Legislative Analysis



PROHIBIT DOXING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6205 as introduced
Sponsor: Rep. John Chirkun

Analysis available at
<http://www.legislature.mi.gov>

House Bill 6206 as introduced
Sponsor: Rep. Beth Griffin

Committee: Judiciary
Revised 10-19-20

SUMMARY:

House Bill 6206 would amend the Michigan Penal Code to make certain conduct referred to as “doxing” a crime, and House Bill 6205 would add the felony penalties for doxing conduct causing serious injury or death to the victim to the sentencing guidelines in the Code of Criminal Procedure. Doxing typically refers to the practice of obtaining personal or nonpublic information about a person and posting it on the internet, usually to embarrass or harass that person.

House Bill 6206 would provide that a person who, with malicious intent, publishes private or identifying information about a specific individual on the internet is guilty of a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$500, or both. (A 93-day maximum term of imprisonment triggers certain fingerprinting and records retention requirements, including a search of the national fingerprint database, and enables tracking of repeat offenses.)

Second or subsequent offense: A second or subsequent offense would be a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both.

Violation causing serious injury or death: If the violation (whether a first or subsequent offense) involved a continuous pattern of harassing or intimidating behavior and the person by that violation caused ***serious injury*** to the victim, the person would be guilty of a felony punishable by imprisonment for up to five years or a fine of up to \$5,000, or both. If the violation caused the death of the victim, the person would be guilty of felony punishable by imprisonment for up to ten years or a fine of up to \$10,000, or both.

Serious injury would mean permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

Proposed MCL 750.411y

House Bill 6205 would place the maximum terms of imprisonment for the felony offenses of doxing within the sentencing guidelines portion of the Code of Criminal Procedure. Under the bill, publishing private or identifying information on the internet with malicious intent causing serious injury would be a Class E felony against a person with a maximum term of imprisonment of five years. The same conduct causing death would be a Class D felony against a person with a ten-year maximum term of imprisonment.

House Bill 6205 is tie-barred to HB 6206, which means that it could not take effect unless HB 6206 were also enacted.

MCL 777.16t

Each bill would take effect 90 days after its enactment.

FISCAL IMPACT:

House Bill 6206 would have an indeterminate fiscal impact on the state and on local units of government. The number of individuals that would be convicted under provisions of the bill is not known. Violations could be either misdemeanors or felonies, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2019, the average cost of prison incarceration in a state facility was roughly \$39,400 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,800 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 6205 is a companion bill to HB 6206 and amends sentencing guidelines to include publishing private or identifying information on the internet with malicious intent causing serious injury or causing death. The bill would not have a direct fiscal impact on the state or on local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.