

HOUSE BILL NO. 6549

December 18, 2020, Introduced by Rep. Warren and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411x (MCL 750.411x), as added by 2018 PA 457.

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

1 conviction for a violation of subsection (1), is guilty of a
2 misdemeanor punishable by imprisonment for not more than 1 year or
3 a fine of not more than \$1,000.00, or both.

4 **(4) A person who violates subsection (1) in an attempt to**
5 **influence a public officer to take, modify, or not take an official**
6 **action is guilty of a felony punishable by imprisonment for not**
7 **more than 4 years or a fine of not more than \$5,000.00, or both.**

8 **(5) ~~(4)~~**—A person who violates subsection (1) in a manner that
9 involves a continued pattern of harassing or intimidating behavior
10 and by that violation causes serious injury to the victim is guilty
11 of a felony punishable by imprisonment for not more than 5 years or
12 a fine of not more than \$5,000.00, or both. As used in this
13 subsection, "serious injury" means permanent, serious
14 disfigurement, serious impairment of health, or serious impairment
15 of a bodily function of a person.

16 **(6) ~~(5)~~**—A person who violates subsection (1) in a manner that
17 involves a continued pattern of harassing or intimidating behavior
18 and by that violation causes the death of the victim is guilty of a
19 felony punishable by imprisonment for not more than 10 years or a
20 fine of not more than \$10,000.00, or both.

21 **(7) ~~(6)~~**—As used in this section:

22 (a) "Cyberbully" includes posting a message or statement in a
23 public media forum about any other person if ~~both~~**either** of the
24 following ~~apply~~**applies**:

25 **(i) Both of the following apply to the message or statement:**

26 **(A) It directs a person to kill himself or herself or to**
27 **attempt to kill himself or herself.**

28 **(B) It is part of a pattern of harassing or intimidating**
29 **behavior that would cause a reasonable individual to suffer**

1 **emotional distress and actually causes the person to suffer**
2 **emotional distress.**

3 **(ii)** ~~(i) The~~ **Both of the following apply to the** message or
4 statement:

5 **(A)** It is intended to place a person in fear of bodily harm or
6 death and expresses an intent to commit violence against the person
7 **or his or her dependent.**

8 **(B)** ~~(ii) The message or statement~~ **It** is posted with the intent
9 to communicate a threat or with knowledge that it will be viewed as
10 a threat.

11 **(b)** "Emotional distress" means significant mental suffering or
12 distress that may, but does not necessarily, require medical or
13 other professional treatment or counseling.

14 **(c)** ~~(b)~~—"Pattern of harassing or intimidating behavior" means
15 a series of 2 or more separate noncontinuous acts of harassing or
16 intimidating behavior.

17 **(d)** ~~(e)~~—"Public media forum" means the internet or any other
18 medium designed or intended to be used to convey information to
19 other individuals, regardless of whether a membership or password
20 is required to view the information.

21 **(e)** "Public officer" means that term as defined in section
22 217c.

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