

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.411x Cyberbullying prohibited; violation as misdemeanor; violation as felony; definitions.

Sec. 411x.

(1) A person shall not cyberbully another person.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) A person who violates subsection (1), and who has a prior conviction for a violation of subsection (1), is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

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

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

(6) As used in this section:

(a) "Cyberbully" includes posting a message or statement in a public media forum about any other person if both of the following apply:

(i) The message or statement is intended to place a person in fear of bodily harm or death and expresses an intent to commit violence against the person.

(ii) The message or statement is posted with the intent to communicate a threat or with knowledge that it will be viewed as a threat.

(b) "Pattern of harassing or intimidating behavior" means a series of 2 or more separate noncontinuous acts of harassing or intimidating behavior.

(c) "Public media forum" means the internet or any other medium designed or intended to be used to convey information to other individuals, regardless of whether a membership or password is required to view the information.

History: Add. 2018, Act 457, Eff. Mar. 27, 2019