

SUBSTITUTE FOR
HOUSE BILL NO. 6430

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411U. (1) IF A PERSON HAS BEEN CONVICTED OF AN OFFENSE
2 DESCRIBED IN SUBSECTION (3), AND THE PERSON USED A COMPUTER IN THE
3 COMMISSION OF THAT OFFENSE, THE PERSON SHALL NOT ACCESS A
4 COMMERCIAL SOCIAL NETWORKING WEBSITE.

5 (2) IF A PERSON HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED IN
6 SUBSECTION (3), BUT THE OFFENSE DID NOT INVOLVE THE USE OF A
7 COMPUTER, THE PERSON SHALL NOT DIRECTLY CONTACT A PERSON WHOM HE OR
8 SHE KNOWS OR HAS REASON TO BELIEVE IS UNDER THE AGE OF 18 BY MEANS
9 OF A COMMERCIAL SOCIAL NETWORKING WEBSITE.

House Bill No. 6430 (H-3) as amended September 20, 2006

1 (3) SUBSECTIONS (1) AND (2) APPLY TO ANY LISTED OFFENSE, AS
 2 THAT TERM IS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION
 3 ACT, 1994 PA 295, MCL 28.722, OR A LAW OF ANOTHER STATE OR THE
 4 UNITED STATES THAT SUBSTANTIALLY CORRESPONDS TO 1 OF THOSE
 5 OFFENSES, IN WHICH THE VICTIM OF THE OFFENSE WAS LESS THAN 18 YEARS
 6 OF AGE.

7 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), A PERSON WHO
 8 VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF A MISDEMEANOR
 9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
 10 NOT MORE THAN \$1,000.00, OR BOTH.

11 (5) FOR A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1) OR
 12 (2), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
 13 FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR
 14 BOTH.

[(6) THE DEPARTMENT OF STATE POLICE, IN COOPERATION WITH THE
 DEPARTMENT OF EDUCATION, SHALL DEVELOP OR SELECT MATERIALS ON INTERNET
 SAFETY. THESE MATERIALS SHALL INCLUDE, BUT ARE NOT LIMITED TO,
 INFORMATION THAT WILL HELP CHILDREN, PARENTS, AND TEACHERS IDENTIFY,
 AVOID, AND DEAL WITH POTENTIAL THREATS TO A CHILD'S SAFETY. THE
 DEPARTMENT OF STATE POLICE SHALL MAKE THOSE MATERIALS AVAILABLE TO SCHOOL
 DISTRICTS, PUBLIC SCHOOL ACADEMIES, NONPUBLIC SCHOOLS, LIBRARIES, AND ANY
 OTHER ENTITY THAT PROVIDES PUBLIC ACCESS TO THE INTERNET. THE DEPARTMENT
 OF STATE POLICE SHALL ALSO ENSURE THAT PARENTS, TEACHERS, AND OTHER
 MEMBERS OF THE PUBLIC HAVE ACCESS TO THOSE MATERIALS.]

15 (7) AS USED IN THIS SECTION, "COMMERCIAL SOCIAL NETWORKING
 16 WEBSITE" MEANS A COMMERCIALY OPERATED INTERNET WEBSITE OFFERED BY
 17 A COMMERCIAL ENTITY THAT DOES ALL OF THE FOLLOWING:

18 (A) PERMITS REGISTERED USERS TO CREATE AN ON-LINE PROFILE THAT
 19 INCLUDES DETAILED PERSONAL INFORMATION.

20 (B) PERMITS REGISTERED USERS TO CREATE AN ON-LINE JOURNAL AND
 21 SHARE THAT JOURNAL WITH OTHER USERS.

22 (C) PERMITS REGISTERED USERS TO SHARE HIGHLY PERSONALIZED
 23 INFORMATION.

24 (D) ENABLES COMMUNICATION AMONG USERS.

25 Enacting section 1. This amendatory act takes effect 90 days
 26 after the date it is enacted.