



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

COMPUTER CRIMES

House Bill 5184

Sponsor: Rep. Gene DeRossett

House Bill 5185

Sponsor: Rep. William O'Neil

House Bill 5186

Sponsor: Rep. Jim Howell

House Bill 5187

Sponsor: Rep. Ruth Jamnick

Committee: Criminal Law and Corrections
Complete to 2-14-00

A SUMMARY OF HOUSE BILLS 5184-5187 AS INTRODUCED 12-9-99

In 1996, Public Act 53 of 1979 (MCL 752.792 et al.), which prohibited a person from illegally using a computer system with the intent to defraud or to obtain money, or from harming a computer system, was expanded to, among other things, prohibit the use of a computer program, computer, computer system, or computer network to commit a crime. House Bill 5185 would further expand this provision to also prohibit an *attempt* to use a computer program, computer, computer system, or computer network to commit a crime. In addition, the bill would specify that prosecution for using a computer to commit or attempt to commit a crime would not prevent that person from being charged with, convicted of, or punished for any other violation of law, including the underlying offense.

House Bill 5186 would clarify that the current penalty language, which sets up a tiered system of penalties depending upon the amount of money involved in the crime, applies to use of a computer to defraud or otherwise obtain money, property or services by false pretenses. In addition, the bill would establish another tiered set of penalties for using a computer to commit or attempt to commit a crime using a computer. The court could order these penalties to be served consecutively and preceding any term of imprisonment imposed to the underlying crime. House Bill 5184 would amend the Code of Criminal Procedure (MCL 760.1 - 777.69) place these penalties in the statutory sentencing guidelines; however, the offense category for each crime would be the same as the underlying offense.

- If the underlying crime attempted or committed was a misdemeanor punishable by imprisonment for one year or less, the person would be guilty of a misdemeanor punishable by imprisonment for up to one year, a fine of up to \$5,000, or both a fine and imprisonment.

- If the underlying crime was a misdemeanor punishable by more than one year but less than two years imprisonment, the person would be guilty of a felony punishable by imprisonment for up to two years, a fine of up to \$5,000, or both. This would be class G crime with a statutory maximum of two years.

- If the underlying crime was a felony punishable by more than two years but less than four years imprisonment, the person would be guilty of a felony punishable by imprisonment for up to four years and/or a fine of up to \$5,000. This would be a Class F crime with a statutory maximum of four years.

- If the underlying crime was a felony punishable by more than four years but less than ten years imprisonment, the person would be guilty of a felony punishable by imprisonment for up to seven years, a fine of up to \$5,000, or both. This would be a Class C crime with a statutory maximum of seven years.

- If the underlying crime was a felony punishable by more than 10 years but less than 20 years imprisonment, the person would be guilty of a felony punishable by imprisonment for up to 10 years, a fine of up to \$10,000, or both. This would be a Class B crime with a statutory maximum of 10 years.

- If the underlying crime was a felony punishable by imprisonment for 20 years or more or for life, the person would be guilty of a felony punishable by imprisonment for up to 20 years, and/or a fine of up to \$20,000. This would be a Class B crime with a statutory maximum of 20 years.

House Bill 5187 would specify that a violation or attempted violation would occur where the person knew or had reason to know that the access would result in a crime, in whole or in part, in this state. It would also provide that a violation of the act could be prosecuted in any jurisdiction where the access originated, terminated, or where the underlying crime was committed.

None of the bills would be enacted unless each of the other bills were also enacted.

Analyst: W. Flory

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