SENATE BILL No. 1316

June 22, 2004, Introduced by Senators BROWN, BISHOP, GOSCHKA, GARCIA, VAN WOERKOM, BIRKHOLZ and GEORGE and referred to the Committee on Technology and Energy.

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 17c of chapter XVII (MCL 777.17c), as added

by 2002 PA 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   CHAPTER XVII

2   Sec. 17c. (1) This chapter applies to the following

3 felonies enumerated in chapter 752 of the Michigan Compiled

4 Laws:

M.C.L.	Category	Class	Description	Stat Max
752.797(1)(c)	Property	E	Computer fraud -- 2 prior convictions or value of $1,000 to $20,000	5
752.797(1)(d)	Property	D	Computer fraud -- 3 or more prior convictions or value of $20,000 or more	10

1	752.797(2)(a)	Property	E	Unlawfully accessing computer, computer system, or computer program	5
5	752.797(2)(b)	Property	D	Unlawfully accessing computer, computer system, or computer program, with prior conviction	10
10	**752.797(3)(b)**	**Property**	**G**	**Installation or attempted installation of spyware causing interruption or interference**	**2**
14	**752.797(3)(c)**	**Property**	**F**	**Installation or attempted installation of spyware with prior conviction**	**4**
17	~~752.797(3)(b)~~ **752.797(4)(b)**	Variable	G	Using computer to commit crime punishable by a maximum term of imprisonment of more than 1 year but less than 2 years	2
24	~~752.797(3)(c)~~ **752.797(4)(c)**	Variable	F	Using computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4
31	~~752.797(3)(d)~~ **752.797(4)(d)**	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	7
38	~~752.797(3)(e)~~ **752.797(4)(e)**	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 20 years	10
45	~~752.797(3)(f)~~				

752.797(4)(f)	Variable	B	Using computer to commit	
			crime punishable by a	
			maximum term of	
			imprisonment of at	
			least 20 years or for	
			life	20

(2) For a violation of section ~~797(3)~~ **797(4)** of 1979 PA 53,
MCL 752.797, determine the offense category, offense variable
level, and prior record variable level based on the underlying
offense.

Enacting section 1. This amendatory act does not take
effect unless Senate Bill No. 1315
                          of the 92nd Legislature is enacted into
law.