



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 53 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 54 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Cameron S. Brown
Committee: Technology and Energy

CONTENT

Senate Bill 54 (S-3) would amend Public Act 53 of 1979, which prohibits fraudulent access to computers, computer systems, and computer networks, to prohibit a person from installing or attempting to install spyware into another person's computer or computer system or network, or using or attempting to use spyware, intentionally and without authorization. The bill also would prohibit a person from manufacturing, selling, or possessing spyware with the intent that it be used in violation of the Act.

A person who violated the bill would be guilty of a felony punishable by imprisonment for up to five years and/or a maximum fine of \$10,000. If a person had a prior conviction, he or she would be guilty of a felony punishable by imprisonment for up to 10 years and/or a maximum fine of \$50,000.

Senate Bill 53 (S-2) would amend the Code of Criminal Procedure to add violations of Senate Bill 54 to the sentencing guidelines. Installing spyware into a computer or computer system or program would be a Class E property felony punishable by a maximum of five years' imprisonment. Installing spyware with a prior conviction would be a Class D property felony punishable by imprisonment for up to 10 years. The bill is tie-barred to Senate Bill 54.

MCL 777.17c (S.B. 53)
752.797 et al. (S.B. 54)

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed crimes. An offender convicted of the Class E offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. An offender convicted of the Class D offense would receive a sentencing guidelines minimum sentence range of 0-6 months to 43-76 months. Local units would incur the costs of misdemeanor probation and incarceration in a local facility, both of which vary by county. The State would incur the cost of felony probation at an average annual cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000.

Date Completed: 3-8-05

Fiscal Analyst: Bethany Wicksall