

# SENATE BILL No. 885

November 10, 2005, Introduced by Senators HARDIMAN, JOHNSON, CASSIS, CROPSEY and GOSCHKA and referred to the Committee on Judiciary.

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) A PERSON SHALL NOT DAMAGE, DESTROY, DISCONNECT,  
2        OR OTHERWISE PREVENT ACCESS TO A TELECOMMUNICATIONS DEVICE TO  
3        PREVENT THE USE OF THAT TELECOMMUNICATIONS DEVICE TO REPORT  
4        DOMESTIC VIOLENCE OR TO OBTAIN MEDICAL, LEGAL, OR OTHER ASSISTANCE  
5        THAT IS REQUIRED OR DESIRED AS A RESULT OF DOMESTIC VIOLENCE.

6        (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS  
7        FOLLOWS:

8        (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS  
9        GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
10        THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

1 (B) IF THE DOMESTIC VIOLENCE RESULTS IN INJURY TO OR THE DEATH  
2 OF ANY PERSON, THE PERSON VIOLATING THIS SECTION IS GUILTY OF A  
3 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A  
4 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

5 (3) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING  
6 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER CRIME,  
7 INCLUDING ANY OTHER CHARGE RELATING TO DOMESTIC VIOLENCE, IN  
8 ADDITION TO BEING CHARGED WITH, CONVICTED OF, AND PUNISHED FOR THE  
9 VIOLATION OF THIS SECTION.

10 (4) AS USED IN THIS SECTION:

11 (A) "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION  
12 1 OF 1978 PA 389, MCL 400.1501.

13 (B) "TELECOMMUNICATIONS DEVICE" MEANS A DEVICE DESIGNED OR  
14 INTENDED TO BE USED FOR COMMUNICATIONS THROUGH A COMMUNICATIONS  
15 SERVICE.

16 (C) "COMMUNICATIONS SERVICE" MEANS THAT TERM AS DEFINED IN  
17 SECTION 102 OF THE MICHIGAN TELECOMMUNICATIONS ACT, 1991 PA 179,  
18 MCL 484.2102.