

SENATE BILL No. 124

February 9, 2011, Introduced by Senators JONES, SCHUITMAKER and ROCCA 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 411w.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 411W. (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:**

2 **(A) POST A MESSAGE OR STATEMENT IN A PUBLIC MEDIA FORUM ABOUT**
3 **ANY OTHER PERSON IF ALL OF THE FOLLOWING APPLY:**

4 **(i) THE PERSON KNOWS THAT THE MESSAGE OR STATEMENT IS FALSE OR**
5 **INTENTIONALLY MISLEADING.**

6 **(ii) A REASONABLE PERSON WOULD FIND THE MESSAGE OR STATEMENT TO**
7 **BE DAMAGING TO THE CHARACTER OR REPUTATION OF ANOTHER PERSON.**

8 **(iii) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO**
9 **INTIMIDATE, FRIGHTEN, OR HARASS ANY OTHER PERSON OR TO CAUSE**

1 EMOTIONAL DISTRESS.

2 (B) POST A MESSAGE OR STATEMENT IN A PUBLIC MEDIA FORUM ABOUT
3 ANY OTHER PERSON IF BOTH OF THE FOLLOWING APPLY:

4 (i) THE PERSON INTENTIONALLY CONCEALS HIS OR HER IDENTITY IN
5 ORDER TO MISLEAD ANY OTHER PERSON INTO BELIEVING THAT THE MESSAGE
6 WAS POSTED BY ANOTHER PERSON.

7 (ii) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
8 INTIMIDATE, FRIGHTEN, OR HARASS ANY OTHER PERSON OR TO CAUSE
9 EMOTIONAL DISTRESS.

10 (C) POST A MESSAGE OR STATEMENT IN A PUBLIC MEDIA FORUM
11 URGING, RECOMMENDING, OR SOLICITING ANOTHER PERSON TO INJURE OR
12 KILL HIMSELF OR HERSELF IF ANY OF THE FOLLOWING APPLY:

13 (i) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO CAUSE
14 THE OTHER PERSON TO INJURE OR KILL HIMSELF OR HERSELF OR IS POSTED
15 UNDER CIRCUMSTANCES OR IN SUCH A MANNER THAT A REASONABLE PERSON
16 WOULD KNOW THAT THE OTHER PERSON MAY INJURE OR KILL HIMSELF OR
17 HERSELF.

18 (ii) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
19 INTIMIDATE, FRIGHTEN, OR HARASS ANY OTHER PERSON OR TO CAUSE
20 EMOTIONAL DISTRESS.

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

23 (A) IF THE PERSON WHO VIOLATES THIS SECTION IS LESS THAN 18
24 YEARS OF AGE:

25 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), FOR A VIOLATION OF
26 SUBSECTION (1) (A) OR (B), THE PERSON IS GUILTY OF A MISDEMEANOR
27 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF

1 NOT MORE THAN \$500.00, OR BOTH.

2 (ii) FOR A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1) (A)
3 OR (B), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
4 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
5 \$1,000.00, OR BOTH.

6 (iii) FOR A VIOLATION OF SUBSECTION (1) (C), THE PERSON IS GUILTY
7 OF A CRIME AS FOLLOWS:

8 (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPHS (B) AND (C), THE
9 PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
10 NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

11 (B) IF THE OTHER PERSON CAUSES SERIOUS IMPAIRMENT OF A BODY
12 FUNCTION TO HIMSELF OR HERSELF, THE PERSON IS GUILTY OF A FELONY
13 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
14 NOT LESS THAN \$1,000.00 OR MORE THAN \$5,000.00, OR BOTH.

15 (C) IF THE OTHER PERSON KILLS HIMSELF OR HERSELF, THE PERSON
16 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
17 15 YEARS OR A FINE OF NOT LESS THAN \$2,500.00 OR MORE THAN
18 \$10,000.00, OR BOTH.

19 (B) IF THE PERSON WHO VIOLATES THIS SECTION IS 18 YEARS OF AGE
20 OR OLDER:

21 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), FOR A VIOLATION OF
22 SUBSECTION (1) (A) OR (B), THE PERSON IS GUILTY OF A MISDEMEANOR
23 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
24 NOT MORE THAN \$1,000.00, OR BOTH.

25 (ii) FOR A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1) (A)
26 OR (B), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
27 FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR

1 BOTH.

2 (iii) FOR A VIOLATION OF SUBSECTION (1) (C), THE PERSON IS GUILTY
3 OF A CRIME AS FOLLOWS:

4 (A) EXCEPT AS PROVIDED IN SUB-SUBPARAGRAPHS (B) AND (C), THE
5 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
6 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

7 (B) IF THE OTHER PERSON CAUSES SERIOUS IMPAIRMENT OF A BODY
8 FUNCTION TO HIMSELF OR HERSELF, THE PERSON IS GUILTY OF A FELONY
9 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
10 NOT LESS THEN \$2,500.00 OR MORE THAN \$10,000.00, OR BOTH.

11 (C) IF THE OTHER PERSON KILLS HIMSELF OR HERSELF, THE PERSON
12 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
13 20 YEARS OR A FINE OF NOT LESS THAN \$5,000.00 OR MORE THAN
14 \$20,000.00, OR BOTH.

15 (3) AS USED IN THIS SECTION:

16 (A) "PUBLIC MEDIA FORUM" MEANS THE INTERNET OR ANY OTHER
17 MEDIUM DESIGNED OR INTENDED TO BE USED TO CONVEY INFORMATION TO
18 OTHER INDIVIDUALS, REGARDLESS OF WHETHER A MEMBERSHIP OR PASSWORD
19 IS REQUIRED TO VIEW THE INFORMATION.

20 (B) "SERIOUS IMPAIRMENT OF A BODY FUNCTION" MEANS THAT TERM AS
21 DEFINED IN SECTION 58C OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
22 MCL 257.58C.