

HOUSE BILL No. 5935

September 20, 2012, Introduced by Reps. Zorn, Jenkins, Liss, O'Brien, Rendon, Graves, Muxlow and Potvin 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 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411X. (1) A PERSON SHALL NOT BULLY OR CYBERBULLY ANOTHER
2 PERSON.

3 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
5 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

6 (3) THE COURT MAY ORDER A PERSON CONVICTED OF OR FOUND
7 RESPONSIBLE FOR A VIOLATION OF THIS SECTION TO UNDERGO AN
8 EVALUATION BY A MENTAL HEALTH PROFESSIONAL AT HIS OR HER OWN
9 EXPENSE AND TO RECEIVE COUNSELING OR OTHER TREATMENT AT HIS OR HER
10 OWN EXPENSE IF DETERMINED APPROPRIATE BY THE COURT.

11 (4) THIS SECTION DOES NOT PROHIBIT CONDUCT PROTECTED UNDER THE

1 FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OR SECTION
2 5 OF ARTICLE I OF THE STATE CONSTITUTION OF 1963.

3 (5) AS USED IN THIS SECTION:

4 (A) "BULLY" MEANS TO ENGAGE IN 1 OR MORE OF THE FOLLOWING
5 BEHAVIORS ON 2 OR MORE SEPARATE OCCASIONS WITH THE INTENT TO
6 FRIGHTEN, INTIMIDATE, OR HARASS ANOTHER PERSON:

7 (i) ASSAULTING OR BATTERING THAT OTHER PERSON.

8 (ii) REFERRING TO THAT OTHER PERSON WHILE IN HIS OR HER
9 PRESENCE WITH A DEROGATORY OR OFFENSIVE NICKNAME OR LABEL.

10 (iii) DISSEMINATING FALSE OR MISLEADING INFORMATION ABOUT THAT
11 OTHER PERSON.

12 (B) "CYBERBULLY" MEANS TO BULLY THROUGH THE USE OF A COMPUTER,
13 COMPUTER NETWORK, COMPUTER PROGRAM, OR COMPUTER SYSTEM, AS THOSE
14 TERMS ARE DEFINED IN SECTION 145D, OR THROUGH THE USE OF A SERVICE
15 PROVIDED BY A TELECOMMUNICATIONS PROVIDER.

16 (C) "MENTAL HEALTH PROFESSIONAL" MEANS THAT TERM AS DEFINED IN
17 SECTION 100B OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.