

SENATE BILL No. 599

October 3, 2013, Introduced by Senators HANSEN, BIEDA, ANDERSON, GREGORY, WARREN, JANSEN, PROOS, NOFS, JONES, PAPPAGEORGE, SCHUITMAKER, ANANICH, HOPGOOD, ROBERTSON, MARLEAU, CASPERSON, MOOLENAAR, BRANDENBURG, ROCCA, MEEKHOF, CASWELL, BOOHER, COLBECK, HILDENBRAND, KAHN, RICHARDVILLE and EMMONS and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 145d (MCL 750.145d), as amended by 2012 PA 353.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 145d. (1) A person shall not use the internet or a
2 computer, computer program, computer network, or computer system to
3 communicate with any person for the purpose of doing any of the
4 following:

5 (a) Committing, attempting to commit, conspiring to commit, or
6 soliciting another person to commit conduct proscribed under
7 section 145a, 145c, 157c, 349, 350, 520b, 520c, 520d, 520e, or
8 520g, or section 5 of 1978 PA 33, MCL 722.675, in which the victim
9 or intended victim is a minor or is believed by that person to be a

1 minor.

2 (b) Committing, attempting to commit, conspiring to commit, or
3 soliciting another person to commit conduct proscribed under
4 section 411h or 411i.

5 (c) Committing, attempting to commit, conspiring to commit, or
6 soliciting another person to commit conduct proscribed under
7 chapter XXXIII or section 327, 327a, 328, or 411a(2).

8 (D) COMMITTING, ATTEMPTING TO COMMIT, OR CONSPIRING TO COMMIT
9 A VIOLATION OF SECTION 449A IF THE VIOLATION INVOLVES A PERSON
10 DESCRIBED IN SECTION 448 WHO IS UNDER 21 YEARS OF AGE OR IS
11 BELIEVED BY THE PERSON COMMITTING, ATTEMPTING TO COMMIT, OR
12 CONSPIRING TO COMMIT THE VIOLATION OF SECTION 449A, TO BE A PERSON
13 DESCRIBED IN SECTION 448 WHO IS UNDER 21 YEARS OF AGE.

14 (2) A person who violates this section is guilty of a crime as
15 follows:

16 (a) If the underlying crime is a misdemeanor or a felony with
17 a maximum term of imprisonment of less than 1 year, the person is
18 guilty of a misdemeanor punishable by imprisonment for not more
19 than 1 year or a fine of not more than \$5,000.00, or both.

20 (b) If the underlying crime is a misdemeanor or a felony with
21 a maximum term of imprisonment of 1 year or more but less than 2
22 years, the person is guilty of a felony punishable by imprisonment
23 for not more than 2 years or a fine of not more than \$5,000.00, or
24 both.

25 (c) If the underlying crime is a misdemeanor or a felony with
26 a maximum term of imprisonment of 2 years or more but less than 4
27 years, the person is guilty of a felony punishable by imprisonment

1 for not more than 4 years or a fine of not more than \$5,000.00, or
2 both.

3 (d) If the underlying crime is a felony with a maximum term of
4 imprisonment of 4 years or more but less than 10 years, the person
5 is guilty of a felony punishable by imprisonment for not more than
6 10 years or a fine of not more than \$5,000.00, or both.

7 (e) If the underlying crime is a felony punishable by a
8 maximum term of imprisonment of 10 years or more but less than 15
9 years, the person is guilty of a felony punishable by imprisonment
10 for not more than 15 years or a fine of not more than \$10,000.00,
11 or both.

12 (f) If the underlying crime is a felony punishable by a
13 maximum term of imprisonment of 15 years or more or for life, the
14 person is guilty of a felony punishable by imprisonment for not
15 more than 20 years or a fine of not more than \$20,000.00, or both.

16 (3) The court may order that a term of imprisonment imposed
17 under this section be served consecutively to any term of
18 imprisonment imposed for conviction of the underlying offense.

19 (4) This section does not prohibit a person from being charged
20 with, convicted of, or punished for any other violation of law
21 committed by that person while violating or attempting to violate
22 this section, including the underlying offense.

23 (5) This section applies regardless of whether the person is
24 convicted of committing, attempting to commit, conspiring to
25 commit, or soliciting another person to commit the underlying
26 offense.

27 (6) A violation or attempted violation of this section occurs

1 if the communication originates in this state, is intended to
2 terminate in this state, or is intended to terminate with a person
3 who is in this state.

4 (7) A violation or attempted violation of this section may be
5 prosecuted in any jurisdiction in which the communication
6 originated or terminated.

7 (8) The court may order a person convicted of violating this
8 section to reimburse this state or a local unit of government of
9 this state for expenses incurred in relation to the violation in
10 the same manner that expenses may be ordered to be reimbursed under
11 section 1f of chapter IX of the code of criminal procedure, 1927 PA
12 175, MCL 769.1f.

13 (9) As used in this section:

14 (a) "Computer" means any connected, directly interoperable or
15 interactive device, equipment, or facility that uses a computer
16 program or other instructions to perform specific operations
17 including logical, arithmetic, or memory functions with or on
18 computer data or a computer program and that can store, retrieve,
19 alter, or communicate the results of the operations to a person,
20 computer program, computer, computer system, or computer network.
21 Computer includes a computer game device or a cellular telephone,
22 personal digital assistant (PDA), or other handheld device.

23 (b) "Computer network" means the interconnection of hardwire
24 or wireless communication lines with a computer through remote
25 terminals, or a complex consisting of 2 or more interconnected
26 computers.

27 (c) "Computer program" means a series of internal or external

1 instructions communicated in a form acceptable to a computer that
2 directs the functioning of a computer, computer system, or computer
3 network in a manner designed to provide or produce products or
4 results from the computer, computer system, or computer network.

5 (d) "Computer system" means a set of related, connected or
6 unconnected, computer equipment, devices, software, or hardware.

7 (e) "Device" includes, but is not limited to, an electronic,
8 magnetic, electrochemical, biochemical, hydraulic, optical, or
9 organic object that performs input, output, or storage functions by
10 the manipulation of electronic, magnetic, or other impulses.

11 (f) "Internet" means that term as defined in section 230 of
12 the communications act of 1934, 47 USC 230.

13 (g) "Minor" means an individual who is less than 18 years of
14 age.