

# SENATE BILL No. 642

December 3, 1991, Introduced by Senators BOUCHARD, HART, EHLERS, ARTHURHULTZ, DI NELLO, BARCIA, MC MANUS and HONIGMAN and referred to the Committee on Technology and Energy.

A bill to amend section 540e of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended by Act No. 395 of the Public Acts of 1988, being section 750.540e of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 540e of Act No. 328 of the Public Acts  
2 of 1931, as amended by Act No. 395 of the Public Acts of 1988,  
3 being section 750.540e of the Michigan Compiled Laws, is amended  
4 to read as follows:

5       Sec. 540e. (1) ~~Any~~ A person is guilty of a misdemeanor  
6 who maliciously uses ~~any~~ A service provided by a communications  
7 common carrier with intent to terrorize, frighten, intimidate,  
8 threaten, harass, molest, or annoy ~~any other~~ ANOTHER person, or

1 to disturb the peace and quiet of ~~any other~~ ANOTHER person by  
2 any of the following:

3 (a) Threatening physical harm or damage to ~~any~~ A person or  
4 property in the course of a telephone conversation.

5 (b) Falsely and deliberately reporting by telephone or tele-  
6 graph message AN ACCIDENT OR that ~~any~~ A person has been  
7 injured, ~~has~~ suddenly taken ill, ~~has~~ suffered death, or has  
8 been the victim of a crime. ~~, or of an accident.~~

9 (c) Deliberately refusing or failing to disengage a connec-  
10 tion between a telephone and another telephone or between a tele-  
11 phone and other equipment provided for the transmission of mes-  
12 sages by telephone ~~, thereby interfering~~ THAT CAUSES  
13 INTERFERENCE with ~~any~~ communications service.

14 (d) Using ~~any~~ vulgar, indecent, obscene, or offensive lan-  
15 guage or suggesting any lewd or lascivious act in the course of a  
16 telephone conversation.

17 (e) Repeatedly initiating a telephone call and, without  
18 speaking, deliberately hanging up or breaking the telephone con-  
19 nection as or after the telephone call is answered.

20 (f) Making ~~an~~ EITHER OF THE FOLLOWING unsolicited commer-  
21 cial telephone ~~call which is received between the hours of 9~~  
22 ~~p.m. and 9 a.m. For the purpose of this subdivision, "an unse-~~  
23 ~~olicited commercial telephone call" means a call made by a person~~  
24 ~~or recording device,~~ CALLS on behalf of a person, corporation,  
25 or other entity ~~, THAT IS soliciting business or contributions:~~  
26 ~~—~~

1 (i) A CALL MADE BY A PERSON THAT IS RECEIVED BETWEEN THE  
2 HOURS OF 9 P.M. AND 9 A.M.

3 (ii) A CALL THAT IN WHOLE OR IN PART INCLUDES A RECORDED  
4 MESSAGE.

5 (g) Deliberately calling a telephone of another person in a  
6 repetitive manner which causes interruption in telephone service  
7 or prevents the person from utilizing his or her telephone  
8 service.

9 (2) ~~Any~~ A person violating this section may be imprisoned  
10 for not more than 6 months, or fined not more than \$500.00, or  
11 both.

12 (3) An offense is committed under this section if the commu-  
13 nication either originates or terminates, or both, ~~originates~~  
14 ~~and terminates~~ in this state and may be prosecuted at the place  
15 of origination or termination.