



**Senate Fiscal Agency**  
**P. O. Box 30036**  
**Lansing, Michigan 48909-7536**

BILL



ANALYSIS

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House Bill 5750 (as reported without amendment)

Sponsor: Representative Mike Green

House Committee: Commerce

Senate Committee: Technology and Energy

## **CONTENT**

The bill would amend the Michigan Penal Code to specify that it would be a crime for an officer, shareholder, partner, employee, agent, or independent contractor of a telecommunications service provider knowingly and without authority to use or divert telecommunications services for his or her own benefit or to the benefit of another.

If the total value of the telecommunications service used or diverted were less than \$200, the violation would be a misdemeanor, punishable by up to 93 days' imprisonment and/or a maximum fine of \$500 or three times the total value of the service, whichever was greater. If the total value of the service were \$200 or more, but less than \$1,000, or the total value of the service were less than \$200 and the person had one prior conviction, the violation would be a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$2,000 or three times the total value of the telecommunications service used or diverted. If the total value of the service were \$1,000 or more but less than \$20,000, the total value were less than \$200 and the person had two prior convictions, or the total value were \$200 or more but less than \$1,000 and the person had one prior conviction, the violation would be a felony, punishable by up to five years' imprisonment and/or a maximum fine of \$10,000 or three times the total value of the telecommunications service used or diverted. If the total value of the service were \$20,000 or more, the total value were less than \$200 and the person had three or more prior convictions, the total value were \$200 or more but less than \$1,000 and the person had two or more prior convictions, or the total value were \$1,000 or more but less than \$20,000 and the person had one prior conviction, the violation would be a felony, punishable by up to 10 years' imprisonment and/or a maximum fine of three times the value of the telecommunications service used or diverted.

Values of telecommunications services used or diverted within one year could be aggregated to determine the total value of the service used or diverted.

Proposed MCL 750.540g

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate impact on the Department of Corrections and local criminal justice agencies. The new crime proposed in the bill could result in additional costs of arresting, prosecuting, and sanctioning convicted violators of the bill's provisions. There are no data currently available that might predict the estimated number of annual violations.

Date Completed: 5-23-96

Fiscal Analyst: M. Hansen