



Senate Fiscal Agency
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BILL



ANALYSIS

Telephone: (517) 373-5383
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House Bill 5755 (as reported without amendment)

Sponsor: Representative William Byl

House Committee: Commerce

Senate Committee: Technology and Energy

CONTENT

The bill would amend the Michigan Penal Code to add the offense of, and penalties for, knowingly or intentionally publishing a telecommunications access device or counterfeit telecommunications access device, with the intent that it be used, or knowing or having reason to know that it would be used or was likely to be used to violate the prohibition in House Bill 5752. The offense would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$100. If a person who violated the bill had a previous conviction for a violation outlined in House Bill 5752 or 5751 or the violation repealed by House Bill 5752, the violation would be a felony, punishable by up to five years' imprisonment and/or a maximum fine of \$5,000.

(House Bill 5751 would prohibit the manufacture, delivery, or possession of a telecommunications device used to obtain telecommunications service without charge. House Bill 5752 would set penalties for obtaining a telecommunications service without charge through fraud or the use of a telecommunications device.)

"Publish" would mean to communicate information or make information available to one or more persons orally, in writing, or by means of any telecommunications, and would include, but not be limited to, communicating information on a computer bulletin board or similar system.

The bill would take effect on April 1, 1997, and is tie-barred to House Bills 5748-5754.

Proposed MCL 750.540f

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on the Department of Corrections and local criminal justice agencies.

To the extent that the additional provisions and enhanced penalties resulted in an increase in convictions, and an increase in the use of sanctions, costs could increase. There are no data currently available that might predict the potential number of increased violations.

Date Completed: 5-24-96

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.