



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

HARASSMENT BY UNCONSENTED PROVISION OF PERSONAL INFO

House Bill 6052

Sponsor: Rep. Jim Howell

Committee: Criminal Law and Corrections

Complete to 9-29-00

A SUMMARY OF HOUSE BILL 6052 AS INTRODUCED 9-28-00

The bill would amend the Michigan Penal Code to prohibit the unwanted provision of information through the use of any medium regarding where or how to contact an individual or the individual's immediate family, where the provision of that information leads to the person or the person's family being harassed or threatened. The harassing or threatening actions would not have to be committed by the wrongdoer or anyone directly associated or even known to the wrongdoer. The type of information provided could include the location or address of the individual's residence or place of employment or any other place where the wrongdoer knows or has reason to know that the victim or his or her family could be contacted.

More specifically, the bill would make it a crime to provide information about how to contact an individual where the provision of that information could cause "continuing or repeated separate noncontinuous acts of unwanted contact" by individuals or "a series of 3 or more separate noncontinuous acts of repeated or continuing unwanted contact" by an individual. Furthermore, the provision of the information would have to be *intended* to cause conduct that will terrorize, frighten, intimidate, threaten, harass, or molest the victim; and the actual conduct that results would have to be of a sort that would not only cause a reasonable person to suffer emotional distress and feel these emotions, but would also actually have to have such an impact on the victim.

"Emotional distress" would be defined within the bill to mean significant mental suffering or distress that could, but doesn't necessarily have to, require medical or other professional treatment or counseling. "Unwanted contact" would be defined as any contact that was initiated or continued without the victim's consent or in disregard of his or her expressed desire to avoid or discontinue the contact. Unwanted contact would include any of the following:

- a) Following or appearing within the victim's sight.
- b) Approaching or confronting the victim in a public place or on private property.
- c) Appearing at the victim's workplace or residence.
- d) Entering onto, remaining, or placing, delivering, or having something delivered to, property owned, leased, or occupied by the victim.
- e) Contacting the victim by telephone, e-mail, regular mail or any other medium.

In order to violate or attempt to violate the bill's provisions, the wrongdoer would have to be present within the state when he or she commits the violation or the wrongdoer would have to know that the victim lived in this state or that the wrongdoer's actions would result in conduct that would occur in this state. However, the bill would specifically exclude from prosecution Internet or computer network service providers who, in good faith and without knowledge of the nature of the defendant's actions, merely provided the medium for the dissemination of the information or communication.

Violation of the bill's provisions would be a misdemeanor punishable by imprisonment for no more than one year and/or a fine of no more than \$2,500. However, if the victim was under the age of 18 and the defendant was more than five years older than the victim, the defendant would be guilty of a felony and could be punished by up to two years imprisonment and/or a fine of up to \$10,000. Any violator of the bill's provisions could also be charged with, convicted of, or punished for any other violation of law that he or she had committed while committing the crime created by the bill. Furthermore, a person who was convicted under the bill's provisions could also be ordered to reimburse the state or a local unit of government for the expenses incurred as a result of the violation in the same manner that expenses may be reimbursed under the Code of Criminal Procedure.

MCL 750.411s

Analyst: W. Flory

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