

Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 893 (Substitute S-2 as reported)
Sponsor: Senator Mike Rogers
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to include violations committed by use of the Internet, a computer, or a computer program, network, or system in the list of offenses for which seizure and forfeiture proceedings may apply to property used in or obtained through the commission of a crime. The bill would take effect 90 days after its enactment.

Under the Michigan Penal Code, the offense that would be added to the definition of "crime" in Chapter 47 of the RJA ("Forfeiture or Seizure of Certain Property") prohibits use of the Internet, a computer, or a computer program, network, or system to communicate with any person for the purpose of committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following:

- Involvement in child sexually abusive activity or material, kidnapping, first-, second-, third-, or fourth-degree criminal sexual conduct (CSC), or assault with intent to commit CSC (MCL 750.520g), when the victim or intended victim is a minor.
- Solicitation of a child for immoral purposes, recruitment or inducement of a minor to commit a felony, kidnapping of a child under the age of 14, or stalking or aggravated stalking.
- An explosives offense listed in Chapter 33 of the Code, causing a death by explosives, selling explosives to a minor, or intentionally reporting a crime relating to a bombing, attempted bombing, or threat to bomb, knowing that the report is false.
- Various gambling or gaming offenses prohibited by the Penal Code or the Michigan Gaming Control and Revenue Act.

In addition, forfeiture currently is allowed for committing or conspiring to commit any of the offenses listed in Chapter 47 of the RJA. The bill also would allow forfeiture proceedings for attempting or soliciting another to commit any of the listed offenses.

MCL 600.4701

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The bill would provide for seizure and forfeiture proceedings associated with computer-related crimes. It is not possible at this time to estimate the likely revenue that would be received by State and local government under this provision.

Date Completed: 3-2-00

Fiscal Analyst: B. Baker