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BILL ANALYSIS

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Senate Bill 894 (as introduced 12-1-99)
Sponsor: Senator Mike Rogers
Committee: Judiciary

Date Completed: 3-7-00

CONTENT

The bill would amend the Michigan Penal Code to allow a sentencing court to order reimbursement to the State or a local unit for investigation and prosecution of certain crimes involving the Internet or a computer.

Specifically, a court could order a person convicted of an Internet or computer use offense described below to reimburse the State or a local unit of government of this State for expenses incurred in relation to the violation in the same manner that expenses may be ordered to be reimbursed under a section of the Code of Criminal Procedure. That section allows a court to order, as part of the sentence for various offenses, that the person convicted reimburse the State or a local unit for expenses incurred in relation to that incident, including expenses for an emergency response and expenses for prosecuting the person.

The Penal Code currently prohibits use of the Internet, a computer, or a computer program, network, or system to communicate with any person for the purpose of doing any of the following:

- Committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following crimes, when the victim or intended victim is a minor: involvement in child sexually abusive activity or material; kidnapping; stalking or aggravated stalking; first-, second-, third-, or fourth-degree criminal sexual conduct (CSC); or assault with intent to commit CSC.
- Committing, attempting to commit, conspiring to commit, or soliciting another to commit any of the following: solicitation of a child for immoral purposes; recruitment or inducement of a minor to commit a felony; or kidnapping of a child under the age of 14.

Public Act 235 of 1999, which takes effect on March 10, 2000, amended that Penal Code provision to include in the offense 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:

- 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.
- Accepting money or other valuables contingent on an uncertain event; keeping or occupying a gambling house or gambling apparatus, or manufacturing or possessing a gambling apparatus for sale, except as otherwise allowed; illegally keeping or maintaining a gaming room, gaming table or game of skill or chance for hire, gain, or reward; selling pools and registering bets; publication or distribution of betting odds; unlawful use of a teletype ticker or other machine for communicating information concerning racing results; gambling in stocks, bonds, or other commodities by the pretended buying or selling of shares; or various violations of the Michigan Gaming Control and Revenue Act.

In addition, currently, use of the Internet or a computer to commit, attempt to commit, conspire to commit, or solicit another to commit stalking or aggravated stalking qualifies for enhanced penalties only if the victim

or intended victim is a minor. Under Public Act 235, enhanced penalties will apply to those offenses regardless of the victim's age.

MCL 750.145d

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The bill provides that a court could order reimbursement of law enforcement expenses to be made to a State or local unit of government, but the frequency and amount of such reimbursement cannot be determined at this time.

Fiscal Analyst: B. Baker

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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.