



HOUSE BILL No. 5448

February 24, 2000, Introduced by Reps. DeRossett, Rick Johnson, Kowall, Ehardt, Julian, Richardville, Cameron Brown, Faunce, Kukuk, Kuipers, Jacobs, Basham, O'Neil, Neumann, Sheltroun, Rocca, DeWeese, DeVuyt, Ruth Johnson, Vear, Gosselin, Howell and Jansen and referred to the Committee on Energy and Technology.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 540e (MCL 750.540e), as amended by 1988 PA
395.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 540e. (1) ~~Any~~ A person is guilty of a misdemeanor
2 who maliciously uses any service provided by a communications
3 common carrier with intent to terrorize, frighten, intimidate,
4 threaten, harass, molest, or annoy any other person, or to dis-
5 turb the peace and quiet of any other person by any of the
6 following:
- 7 (a) Threatening physical harm or damage to any person or
8 property in the course of a telephone conversation.
- 9 (b) Falsely and deliberately reporting by telephone or
10 telegraph message that any person has been injured, has suddenly

1 taken ill, has suffered death, or has been the victim of a crime,
2 or of an accident.

3 (c) Deliberately refusing or failing to disengage a connec-
4 tion between a telephone and another telephone or between a tele-
5 phone and other equipment provided for the transmission of mes-
6 sages by telephone, thereby interfering with any communications
7 service.

8 (d) Using any vulgar, indecent, obscene, or offensive lan-
9 guage or suggesting any lewd or lascivious act in the course of a
10 telephone conversation.

11 (e) Repeatedly initiating a telephone call and, without
12 speaking, deliberately hanging up or breaking the telephone con-
13 nection as or after the telephone call is answered.

14 (f) Making an unsolicited ~~commercial~~ telephone call
15 REQUESTING A CONTRIBUTION which is received between the hours of
16 9 p.m. and 9 a.m. For the purpose of this subdivision, "an unso-
17 licited ~~commercial~~ telephone call" means a call made by a
18 person ~~or recording device~~ SOLICITING CONTRIBUTIONS, on behalf
19 of a person ~~—~~ OR A NOT-FOR-PROFIT corporation ~~—~~ or other
20 entity. ~~—, soliciting business or contributions.~~

21 (G) MAKING A TELEPHONE SOLICITATION CALL IN VIOLATION OF
22 SECTION 8 OF 1971 PA 227, MCL 445.118.

23 (H) ~~(g)~~ Deliberately calling a telephone of another person
24 in a repetitive manner which causes interruption in telephone
25 service or prevents the person from utilizing his or her tele-
26 phone service.

1 (2) ~~Any~~ A person violating this section may be imprisoned
2 for not more than 6 months, or fined not more than \$500.00, or
3 both. An offense is committed under this section if the communi-
4 cation either originates or terminates or both originates and
5 terminates in this state and may be prosecuted at the place of
6 origination or termination.

7 Enacting section 1. This amendatory act does not take
8 effect unless Senate Bill No. ____ or House Bill No. 5446
9 (request no. 06035'00) of the 90th Legislature is enacted into
10 law.