

**A SUMMARY OF HOUSE BILLS 4204 AND 4205 AS INTRODUCED 2-13-01**

Under current law, it is illegal to use 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: solicitation of a child for immoral purposes (MCL 750.145a); involvement in child sexually abusive activity or material (MCL 750.145c); recruitment or inducement of a minor to commit a felony (MCL 750.157c); kidnapping (MCL 750.349); first-, second-, third-, or fourth-degree criminal sexual conduct (CSC) (MCL 750.520b-750.520e); or assault with intent to commit CSC (MCL 750.520g).
- Committing, attempting to commit, conspiring to commit, or soliciting another to commit stalking or aggravated stalking (MCL 750.411h and 750.411i).
- Committing, attempting to commit, conspiring to commit, or soliciting another to commit an explosive offense proscribed under Chapter XXXIII or Section 327a, 328; falsely reporting a bomb scare (MCL 411a[2]); or kidnapping of a child under the age of 14 (MCL 750.350).

The penalties for these crimes vary, based on the penalty for the underlying crime. For example, if the underlying crime is a misdemeanor or a felony that is punishable by imprisonment for one year or less, then the person is guilty of a misdemeanor, punishable by up to one year in prison, and/or a fine of up to \$5,000. If the underlying crime is a misdemeanor or felony with a maximum term of imprisonment of more than one year but less than two years, the person is guilty of a felony, punishable by up to two years in prison, and/or a fine of up to \$5,000.

House Bills 4204 and 4205 would amend the Michigan Penal Code (MCL 750.145d) and the Code of Criminal Procedure (MCL 777.16g), respectively, to establish two new crimes involving use of the Internet, and to provide penalties. House Bill 4205 is tie-barred to House Bill 4204.

House Bill 4204 would make it a crime to use the Internet or a computer, computer program, network, or system to communicate with any person for the purpose of: 1) threatening to kill or physically injure another person, and 2) threatening to damage the property of another person or otherwise intentionally harassing, intimidating, or frightening another person.

The bill would provide the following penalties:

- Threatening to kill or physically injure another person would be a felony with a maximum term of imprisonment of up to four years, and/or a fine of up to \$5,000.
- Threatening to damage the property of another, or otherwise intentionally harassing, intimidating, or frightening another, would be a misdemeanor, punishable by up to 6 months in prison, and/or a fine of up to \$500. If the person had one or more prior convictions he or she would be guilty of a misdemeanor, punishable by imprisonment for up to one year, and/or a fine of up to \$1,000.

In addition, House Bill 4205 would change the statutory sentencing guidelines regarding the offense of using the Internet or a computer for crimes to comport with the changes proposed in House Bill 4204. Currently, using the Internet or a computer to commit a crime punishable by a maximum term of imprisonment of at least four years, but less than ten years, is categorized as a Class D felony. The bill would add “the use of the Internet or a computer to threaten to kill or injure a person” under this section of the guidelines

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.