
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4080 (as reported with amendments)
Sponsor: Representative Mary Ann Middaugh
House Committee: Energy and Technology
Senate Committee: Technology and Energy

CONTENT

The bill would amend the Michigan Penal Code to extend current prohibited behavior pertaining to telephone usage to the use of a "telecommunications service or device"; increase the fine for maliciously using a telecommunications service or device; and extend the prohibited conduct to making a threat or using offensive language in a message through the use of a telecommunications service or device.

The Code makes it a misdemeanor, punishable by imprisonment for up to six months and/or a maximum fine of \$500, for a person maliciously to use any service provided by a communications common carrier with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another, by engaging in certain activities. The bill would increase the maximum fine to \$1,000. The bill also would refer to a "telecommunications service provider", rather than common carrier.

Prohibited conduct currently includes doing the following in the course of a telephone conversation: threatening physical harm or damage to any person or property, or using any vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act. The bill would prohibit this conduct in the course of a conversation or message through the use of a telecommunications service or device.

Another prohibited activity is deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telephone and other equipment provided for the transmission of messages by telephone, thereby interfering with any communications service. The bill instead would prohibit deliberately refusing or failing to disengage a connection between two telecommunications devices or between a telecommunication device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.

MCL 750.540e

Legislative Analyst: George Towne

FISCAL IMPACT

The bill would have no fiscal impact on the State, and an indeterminate fiscal impact on local governments. There are no data available to indicate how many offenders are convicted of maliciously using a communications service. Libraries would receive any additional penal fine revenue raised by increasing the maximum fine from \$500 to \$1,000.

Date Completed: 5-28-02

Fiscal Analyst: Bethany Wicksall