
Senate Fiscal Agency
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House Bill 4080 (as passed by the House)
Sponsor: Representative Mary Ann Middaugh
House Committee: Energy and Technology
Senate Committee: Technology and Energy

Date Completed: 3-11-02

CONTENT

The bill would amend the Michigan Penal Code to increase the fine for maliciously using a telephone, and to extend the prohibited conduct to making a threat or using offensive language in a telephone message.

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 communications "provider", rather than common carrier.

The activities involved in the offense include 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 telephone conversation or message.

Another 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. Under the bill, interfering with a communications service would not be a required element.

MCL 750.540e

Legislative Analyst: Suzanne Lowe

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.

Fiscal Analyst: Bethany Wicksall

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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.