

# HOUSE BILL No. 4080

January 31, 2001, Introduced by Reps. Middaugh, Ruth Johnson, Bishop, Mead, Jelinek, Shackleton, Patterson, Allen, Sanborn, Cameron Brown, Julian, Vander Veen, Voorhees, Caul, Garcia, Hager, Pappageorge, Rocca, Ehardt and Spade 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~~ PROVIDER with intent to terrorize, frighten,  
4 intimidate, threaten, harass, molest, or annoy ~~any other~~  
5 ANOTHER person, or to disturb the peace and quiet of ~~any other~~  
6 ANOTHER person by any of the following:  
7       (a) Threatening physical harm or damage to any person or  
8 property in the course of a telephone conversation OR MESSAGE.  
9       (b) Falsely and deliberately reporting by telephone or  
10 telegraph message that ~~any~~ A person has been injured, has

1 suddenly taken ill, has suffered death, or has been the victim of  
2 a crime ~~—~~ 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 communica-~~  
7 ~~tions 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 OR MESSAGE.

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 ~~which~~  
15 THAT is received between the hours of 9 p.m. and 9 a.m. For the  
16 purpose of this subdivision, "an unsolicited commercial telephone  
17 call" means a call made by a person or recording device, on  
18 behalf of a person, corporation, or other entity, soliciting  
19 business or contributions.

20 (g) Deliberately calling a telephone of another person in a  
21 repetitive manner ~~which~~ THAT causes interruption in telephone  
22 service or prevents the person from utilizing his or her tele-  
23 phone service.

24 (2) ~~Any~~ A person violating this section may be imprisoned  
25 for not more than 6 months ~~—~~ or fined not more than ~~\$500.00~~  
26 \$1,000.00, or both. An offense is committed under this section  
27 if the communication either originates or terminates ~~or both~~

**HB4080, As Passed House, July 11, 2001**

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1 ~~originates and terminates~~ in this state and may be prosecuted at  
2 the place of origination or termination.