

HOUSE BILL No. 4080

(As amended by the Senate, June 19, and September 18, 2002)

(As passed by the Senate, September 18, 2002)

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 **TELECOMMUNICATIONS SERVICE** ~~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 **THROUGH THE**  
9 **USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE.**
- 10       (b) Falsely and deliberately reporting by **telephone or**  
**telegraph message THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR**  
**DEVICE** that ~~any~~ A person has been injured, has

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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~~ TELECOMMUNICATIONS DEVICE AND ANOTHER TELECOMMUNICATIONS DEVICE OR  
6 BETWEEN A TELECOMMUNICATIONS DEVICE and other equipment provided for the  
7 transmission of mes-  
8 sages ~~by telephone~~ THROUGH THE USE OF A TELECOMMUNICATIONS SERVICE OR  
9 DEVICE. ~~—, thereby interfering with any communica-~~  
10 ~~tions service.~~

11 (d) Using ~~any~~ vulgar, indecent, obscene, or offensive lan-  
12 guage or suggesting any lewd or lascivious act in the course of a  
13 ~~telephone~~ conversation OR MESSAGE THROUGH THE USE OF A TELECOMMUNICATIONS  
14 SERVICE OR DEVICE.

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

18 (f) Making an unsolicited commercial telephone call ~~which~~  
19 THAT is received between the hours of 9 p.m. and 9 a.m. For the  
20 purpose of this subdivision, "an unsolicited commercial telephone  
21 call" means a call made by a person or recording device, on  
22 behalf of a person, corporation, or other entity, soliciting  
23 business or contributions.

24 (g) Deliberately ~~calling a telephone~~ ENGAGING OR CAUSING TO ENGAGE  
25 THE USE OF A TELECOMMUNICATIONS SERVICE OR DEVICE of another person in a  
26 repetitive manner ~~which~~ THAT causes interruption in ~~telephone~~  
27 TELECOMMUNICATIONS  
28 service or prevents the person from utilizing his or her ~~tele-~~  
29 ~~phone service~~ TELECOMMUNICATIONS SERVICE OR DEVICE.

30 (2) ~~Any~~ A person violating this section may be imprisoned  
31 for not more than 6 months ~~—~~ or fined not more than ~~\$500.00~~  
32 \$1,000.00, or both. An offense is committed under this section  
33 if the communication either originates or terminates ~~or both~~

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1 ~~originates and terminates~~ in this state and may be prosecuted at

2 the place of origination or termination.

(3) AS USED IN THIS SECTION. "TELECOMMUNICATIONS".  
"TELECOMMUNICATIONS SERVICE". AND "TELECOMMUNICATIONS DEVICE" MEAN THOSE  
TERMS AS DEFINED IN SECTION 540C.

Enacting section 1. This amendatory act takes effect November 1,  
2002.