

PENALTIES FOR VIOLATIONS OF CHILD REGISTRY ACT

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House Bill 5979 (Substitute H-1)

Sponsor: Rep. David Palsrok

Committee: Energy and Technology

Complete to 6-17-04

A SUMMARY OF HOUSE BILL 5979 AS REPORTED FROM COMMITTEE

The bill would amend Public Act 53 of 1979 dealing with computer crimes to make violations of Michigan Children's Protection Registry Act also violations of Public Act 53 and to prescribe penalties. The new registry act would be created by Senate Bill 1025 as a means of preventing minors from being sent an electronic message that advertises or otherwise links to a message that advertises a product or service that a minor is prohibited by law from purchasing, viewing, possessing, or otherwise receiving. The two bills are tie-barred, meaning that neither would take effect unless both are enacted. The bill would take effect July 1, 2005.

Specifically, House Bill 5979 would make a violation a misdemeanor. A first offense would be punishable by imprisonment for not more than six months and/or a fine of not more than \$5,000. A second offense would be punishable by imprisonment for not more than one year and/or a fine of not more than \$10,000. A third or subsequent offense would be punishable by imprisonment for not more than one year and/or a fine of not more than \$25,000.

A money and other income and all computer equipment, computer software, and personal property used in connection with a violation and known by the owner to be used in connection with a violation would be subject to lawful seizure and forfeiture as provided under the Revised Judicature Act.

It would be a defense that a communication was transmitted accidentally; the burden of proving the transmission was accidental would be on the sender.

[Criminal fines are constitutionally dedicated to public libraries.]

Legislative Analyst: Chris Couch

■ 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.