



Senate Fiscal Agency
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House Bill 4802 (as reported without amendment)
Sponsor: Representative James Koetje
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to revise current prohibitions against the unlawful use, manufacture, or delivery of a telecommunications device or an unlawful telecommunications access device to obtain or disrupt telecommunications services.

Under the bill, a person would be prohibited from assembling, developing, manufacturing, possessing, delivering, or using any type of telecommunications access device with the intent to defraud by doing any of the following:

- Obtaining or attempting to obtain a telecommunications service in violation of Section 219a of the Code
- Concealing the existence, place of origin, or destination of any telecommunications service.
- Receiving, disrupting, decrypting, transmitting, retransmitting, acquiring, or intercepting any telecommunications service without the express authority of the telecommunications service provider.

A person also could not modify, alter, program, or reprogram a telecommunications access device to commit any of those prohibited acts.

(Section 219a prohibits a person knowingly obtaining or attempting to obtain telecommunications service with intent to avoid, attempt to avoid, or cause another to avoid or attempt to avoid any lawful charge for that service by using a telecommunications access device, an unlawful telecommunications access device, or a fraudulent or deceptive scheme, pretense, method, or conspiracy.)

A violation would continue to be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. The bill would delete a requirement that all fines be imposed for each unlawful telecommunications access device or telecommunications access device involved in the offense. Each unlawful telecommunications access device or telecommunications access device still would be considered a separate violation.

MCL 750.540c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

By eliminating the requirement that fines be assessed for each device involved in an offense, the bill potentially would decrease penal fine revenue to public libraries. To the extent that the other changes simply would clarify current law, the bill would have no significant fiscal impact on State or local government.

Date Completed: 1-22-04

Fiscal Analyst: Bethany Wicksall