

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5979

A bill to amend 1979 PA 53, entitled

"An act to prohibit access to computers, computer systems, and computer networks for certain fraudulent purposes; to prohibit intentional and unauthorized access, alteration, damage, and destruction of computers, computer systems, computer networks, computer software programs, and data; and to prescribe penalties,"

(MCL 752.791 to 752.797) by amending the title and by adding sections 5a, 6a, and 6b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to prohibit access to computers, computer systems,

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and computer networks for certain fraudulent purposes; to

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prohibit intentional and unauthorized access, alteration, damage,

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and destruction of computers, computer systems, computer

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networks, computer software programs, and data; **to prohibit the**

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sending of certain electronic messages; and to prescribe

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penalties.

1 Sec. 5a. A violation of the Michigan children's protection
2 registry act is a violation of this act.

3 Sec. 6a. (1) A person who violates section 5a is guilty of
4 the following:

5 (a) For the first violation, a misdemeanor punishable by
6 imprisonment for not more than 1 year or a fine of not more than
7 \$10,000.00, or both.

8 (b) For the second violation, a felony punishable by
9 imprisonment for not more than 2 years or a fine of not more than
10 \$20,000.00, or both.

11 (c) For the third and any subsequent violation, a felony
12 punishable by imprisonment for not more than 3 years or a fine of
13 not more than \$30,000.00, or both.

14 (2) A person does not violate section 5a because the person
15 is an intermediary between the sender and recipient in the
16 transmission of an electronic message that violates section 5a or
17 unknowingly provides transmission of electronic messages over the
18 person's computer network or facilities that violate section 5a.

19 (3) It is a defense to an action brought under this section
20 that the communication was transmitted accidentally. The burden
21 of proving that the communication was transmitted accidentally is
22 on the sender.

23 (4) This section does not take effect until July 1, 2005.

24 Sec. 6b. All money and other income, including all proceeds
25 earned but not yet received by a defendant from a third party as
26 a result of the defendant's violations of this act, and all
27 computer equipment, all computer software, and all personal

1 property used in connection with any violation of this act known
2 by the owner to have been used in violation of this act are
3 subject to lawful seizure and forfeiture in the same manner as
4 provided under sections 4701 to 4709 of the revised judicature
5 act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

6 Enacting section 1. This amendatory act does not take
7 effect unless Senate Bill No. 1025 of the 92nd Legislature is
8 enacted into law.