

PROHIBIT SEX OFFENDERS FROM ACCESSING ONLINE COMMUNITIES

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House Bill 6430

Sponsor: Rep. David Law

House Bill 6431

Sponsor: Rep. David Farhat

Committee: Judiciary

Complete to 9-12-06

A SUMMARY OF HOUSE BILL 6430-6431 AS INTRODUCED 9-7-06

The bills would prohibit persons convicted of criminal sexual conduct or a crimes related to child sexually abusive activity or materials from accessing a commercial social networking website and would place the maximum sentence within the sentencing guidelines. Specifically, each bill would do the following:

House Bill 6430 would add a new section to the Michigan Penal Code (MCL 750.411u) to prohibit a person who had been convicted of any of the following offenses from accessing a commercial social networking website (such as MySpace.com):

- First-, second-, third-, or fourth-degree criminal sexual conduct.
- Persuading, enticing, coercing, or knowingly allowing a child to engage in a child sexually abusive activity for the purpose of producing any child sexually abusive material or arranging, producing, or financing those activities; distributing, promoting, or financing the distribution or promotion of child sexually abusive material; or possessing child sexually abusive material.

A first offense would be a misdemeanor punishable by imprisonment for not more than one year or a fine of not more than \$1,000, or both. A second or subsequent violation would be a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$5,000.

"Commercial social networking website" would mean a commercially operated Internet website offered by a commercial entity that permitted registered users to create an on-line profile that included detailed personal information, create an on-line journal that could be shared with other users, permitted registered users to share highly personalized information, and enabled communication among users.

House Bill 6431 would amend the Code of Criminal Procedure (MCL 777.16t) to specify that accessing a commercial social networking website by a sex offender – second or subsequent offense – would be a Class E felony against the Public Order with a maximum term of imprisonment of five years. The bill is tie-barred to House Bill 6430.

FISCAL IMPACT:

The bills' fiscal impact on state and local correctional systems would depend on how they affected prosecutorial charging decisions, the numbers of felony and misdemeanor convictions, and sentences imposed. The cost of any increase in prison intake or the lengths of sentences imposed would be borne by the state, at an average annual cost of about \$30,000 per prisoner. Costs of felony probation supervision fall to the state, while misdemeanor probation supervision is a local responsibility. Parole and felony probation supervision costs the state an average of about \$2,000 per supervised offender per year; local costs of misdemeanor probation supervision vary with jurisdiction. County jail costs, which vary by county, could increase to the extent that more offenders received jail time for felony or misdemeanor offenses. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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