

# Legislative Analysis



## **PROHIBIT SEX OFFENDERS FROM ACCESSING ONLINE COMMUNITIES**

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**House Bill 6430 (Substitute H-3)**  
**Sponsor: Rep. David Law**

**House Bill 6431 (Substitute H-2)**  
**Sponsor: Rep. David Farhat**  
**Committee: Judiciary**

**Complete to 9-20-06**

### **A SUMMARY OF HOUSE BILLS 6430-6431 AS REPORTED FROM COMMITTEE**

The bills would prohibit persons convicted of sex-related crimes involving a person under 18 years of age from accessing a commercial social networking website(such as MySpace.com) and would place the maximum sentence within the sentencing guidelines. Both bills would take effect 90 days after enactment. 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 certain sex offenders from accessing a commercial social networking website. The prohibitions described below would apply to a conviction for a listed offense (an offense for which registration as a sex offender is required), or any other state or federal law substantially similar, in which the victim was less than 18 years of age:

- If a person has been convicted of a listed offense and had used a computer to commit that offense, the person could not access a commercial social networking website.
- If a person has been convicted of a listed offense, but the offense did not include the use of a computer, the person could not directly contact an individual whom he or she knew or had reason to believe was under the age of 18 by means of a commercial social networking website.

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 use of 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.

#### **POSITIONS:**

The Department of State Police supports the bills. (9-20-06)

The following indicated support for the bills as introduced: the Department of Corrections (9-19-06), the Deputy Sheriffs Association of Michigan (9-13-06), and the Safer Online Dating Alliance (9-13-06).

The Oakland County Sheriff's Office indicated support in concept for the bill as introduced. (9-13-06)

The American Civil Liberties Union/Michigan opposes the bill. (9-20-06)

Citizens for Second Chances indicated opposition to the bill as introduced. (9-13-06)

A representative of Coalition for a Useful Registry testified in opposition to the bill as introduced. (9-13-06)

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■ 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.