SENATE BILL No. 53

January 25, 2005, Introduced by Senators BROWN, PATTERSON and BISHOP and referred to the Committee on Technology and Energy.

A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 17c (MCL 777.17c), as added by 2002 PA 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   **CHAPTER XVII**

2   Sec. 17c. (1) This chapter applies to the following felonies

3 enumerated in chapter 752 of the Michigan Compiled Laws:

	M.C.L.	Category	Class	Description	Stat Max
4					
5	752.797(1)(c)	Property	E	Computer fraud — 2 prior convictions or value of $1,000 to $20,000	5
6	752.797(1)(d)	Property	D	Computer fraud — 3 or more prior convictions or value of $20,000 or more	10

1	752.797(2)(a)	Property	E	Unlawfully accessing computer, computer system, or computer program	5
2	752.797(2)(b)	Property	D	Unlawfully accessing computer, computer system, or computer program, with prior conviction	10
3	**752.797(3)(B)**	**PROPERTY**	**G**	**INSTALLATION OR ATTEMPTED INSTALLATION OF SPYWARE CAUSING INTERRUPTION OR INTERFERENCE**	**2**
4	**752.797(3)(C)**	**PROPERTY**	**F**	**INSTALLATION OR ATTEMPTED INSTALLATION OF SPYWARE WITH PRIOR CONVICTION**	**4**
5	~~752.797(3)(b)~~ **752.797(4)(B)**	Variable	G	Using computer to commit crime punishable by a maximum term of imprisonment of more than 1 year but less than 2 years	2
6	~~752.797(3)(c)~~ **752.797(4)(C)**	Variable	F	Using computer to commit crime punishable by a maximum term of imprisonment of at least 2 years but less than 4 years	4
7	~~752.797(3)(d)~~ **752.797(4)(D)**	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 4 years but less than 10 years	7
8	~~752.797(3)(e)~~ **752.797(4)(E)**	Variable	D	Using computer to commit crime punishable by a maximum term of imprisonment of at least 10 years but less than 20 years	10

1	~~752.797(3)(f)~~ **752.797(4)(F)**	Variable	B	Using computer to commit crime punishable by a maximum term of imprisonment of at least 20 years or for life 20

2 (2) For a violation of section 797(3) of 1979 PA 53, MCL

3 752.797, determine the offense category, offense variable level,

4 and prior record variable level based on the underlying offense.

5 Enacting section 1. This amendatory act does not take

6 effect unless Senate Bill No._54

7 of the 93rd Legislature is enacted into law.