

# SENATE BILL No. 1479

September 20, 2006, Introduced by Senator TOY and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 411u.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 411U. (1) IF A PERSON HAS BEEN CONVICTED OF AN OFFENSE  
2 DESCRIBED IN SUBSECTION (3), AND THE PERSON USED A COMPUTER IN THE  
3 COMMISSION OF THAT OFFENSE, THE PERSON SHALL NOT ACCESS A  
4 COMMERCIAL SOCIAL NETWORKING WEBSITE.

5           (2) IF A PERSON HAS BEEN CONVICTED OF AN OFFENSE DESCRIBED IN  
6 SUBSECTION (3), BUT THE OFFENSE DID NOT INVOLVE THE USE OF A  
7 COMPUTER, THE PERSON SHALL NOT DIRECTLY CONTACT A PERSON UNDER THE  
8 AGE OF 18 BY MEANS OF A COMMERCIAL SOCIAL NETWORKING WEBSITE.

9           (3) SUBSECTIONS (1) AND (2) APPLY TO ANY LISTED OFFENSE, AS  
10 THAT TERM IS DEFINED IN SECTION 2 OF THE SEX OFFENDERS REGISTRATION

1 ACT, 1994 PA 295, MCL 28.722, OR A LAW OF ANOTHER STATE OR THE  
2 UNITED STATES THAT SUBSTANTIALLY CORRESPONDS TO 1 OF THOSE  
3 OFFENSES, IN WHICH THE VICTIM OF THE OFFENSE WAS LESS THAN 18 YEARS  
4 OF AGE.

5 (4) EXCEPT AS PROVIDED IN SUBSECTION (5), A PERSON WHO  
6 VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF A MISDEMEANOR  
7 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF  
8 NOT MORE THAN \$1,000.00, OR BOTH.

9 (5) FOR A SECOND OR SUBSEQUENT VIOLATION OF SUBSECTION (1) OR  
10 (2), THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT  
11 FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR  
12 BOTH.

13 (6) AS USED IN THIS SECTION, "COMMERCIAL SOCIAL NETWORKING  
14 WEBSITE" MEANS A COMMERCIALY OPERATED INTERNET WEBSITE OFFERED BY  
15 A COMMERCIAL ENTITY THAT DOES ALL OF THE FOLLOWING:

16 (A) PERMITS REGISTERED USERS TO CREATE AN ON-LINE PROFILE THAT  
17 INCLUDES DETAILED PERSONAL INFORMATION.

18 (B) PERMITS REGISTERED USERS TO CREATE AN ON-LINE JOURNAL AND  
19 SHARE THAT JOURNAL WITH OTHER USERS.

20 (C) PERMITS REGISTERED USERS TO SHARE HIGHLY PERSONALIZED  
21 INFORMATION.

22 (D) ENABLES COMMUNICATION AMONG USERS.

23 Enacting section 1. This amendatory act takes effect 90 days  
24 after the date it is enacted.