



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 924 (Substitute S-1 as reported)
Senate Bill 925 (as reported by the Committee of the Whole)
Sponsor: Senator Steven Bieda (S.B. 924)
Senator Rick Jones (S.B. 925)
Committee: Judiciary

CONTENT

Senate Bill 924 (S-1) would amend the Michigan Penal Code to prohibit a person from doing either of the following:

- Posting on the internet any sexually explicit photograph, drawing, or other visual image of another person with the intent to frighten, intimidate, or harass any person.
- Refusing or otherwise failing to remove from the internet a sexually explicit photograph, drawing, or other visual image of another person, upon his or her written request.

The second prohibition would apply regardless of whether the posting was with the intent to frighten, intimidate, or harass any person. It also would apply regardless of whether the other person consented to the posting unless he or she knew or had reason to know that the photograph, drawing, or other visual image was sexually explicit and had signed a release knowingly allowing it to be posted on the internet by the person who did so.

The bill's prohibitions would not apply to an "interactive computer service", an "information service", or a "telecommunications service", as those terms are defined in Federal law.

It would be an affirmative defense in a prosecution for a violation of the bill that the person took all reasonable steps to have the photograph, drawing, or other visual image removed from the internet immediately upon the written request of the other person.

"Sexually explicit" would mean displaying a person's genitalia or anus or a female's nipples or areola.

Senate Bill 925 would amend the Penal Code to specify that a violation of the prohibition proposed by Senate Bill 924 (S-1) would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500. A second or subsequent violation would be a misdemeanor punishable by up to one year and/or \$1,000.

Proposed MCL 750.145e (S.B. 924)
Proposed MCL 750.145f (S.B. 925)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills could increase the number of misdemeanor convictions, which could increase the requirements on local court systems and jails. Any associated fine revenue would benefit public libraries.

Date Completed: 6-3-14

Fiscal Analyst: John Maxwell

floor\sb924

Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.