

HOUSE BILL No. 4746

May 21, 2013, Introduced by Reps. Zorn, Potvin, Muxlow and Jenkins 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 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 411X. (1) A PERSON SHALL NOT BULLY OR CYBERBULLY ANOTHER
2 PERSON.

3 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
5 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

6 (3) THE COURT MAY ORDER A PERSON CONVICTED OF OR FOUND
7 RESPONSIBLE FOR A VIOLATION OF THIS SECTION TO UNDERGO AN
8 EVALUATION BY A MENTAL HEALTH PROFESSIONAL AT HIS OR HER OWN
9 EXPENSE AND TO RECEIVE COUNSELING OR OTHER TREATMENT AT HIS OR HER
10 OWN EXPENSE IF DETERMINED APPROPRIATE BY THE COURT.

1 (4) THIS SECTION DOES NOT PROHIBIT CONDUCT PROTECTED UNDER THE
2 FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OR SECTION
3 5 OF ARTICLE I OF THE STATE CONSTITUTION OF 1963.

4 (5) AS USED IN THIS SECTION:

5 (A) "BULLY" MEANS TO ENGAGE IN 1 OR MORE OF THE FOLLOWING
6 BEHAVIORS ON 2 OR MORE SEPARATE OCCASIONS WITH THE INTENT TO
7 FRIGHTEN, INTIMIDATE, OR HARASS ANOTHER PERSON:

8 (i) ASSAULTING OR BATTERING THAT OTHER PERSON.

9 (ii) REFERRING TO THAT OTHER PERSON WHILE IN HIS OR HER
10 PRESENCE WITH A DEROGATORY OR OFFENSIVE NICKNAME OR LABEL.

11 (iii) DISSEMINATING FALSE OR MISLEADING INFORMATION ABOUT THAT
12 OTHER PERSON.

13 (B) "CYBERBULLY" MEANS TO BULLY THROUGH THE USE OF A COMPUTER,
14 COMPUTER NETWORK, COMPUTER PROGRAM, OR COMPUTER SYSTEM, AS THOSE
15 TERMS ARE DEFINED IN SECTION 145D, OR THROUGH THE USE OF A SERVICE
16 PROVIDED BY A TELECOMMUNICATIONS PROVIDER.

17 (C) "MENTAL HEALTH PROFESSIONAL" MEANS THAT TERM AS DEFINED IN
18 SECTION 100B OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.