

SENATE BILL NO. 785

November 4, 1997, Introduced by Senators HART, YOUNG, BERRYMAN, DINGELL, CONROY, DE BEAUSSAERT, MILLER, PETERS, BYRUM, CHERRY, STALLINGS, MC MANUS and NORTH 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 145d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 145D. (1) A PERSON SHALL NOT USE THE INTERNET TO
2 FACILITATE ANY PART OF THE FOLLOWING:
3 (A) COMMITTING, ATTEMPTING TO COMMIT, CONSPIRING TO COMMIT,
4 OR SOLICITING ANOTHER PERSON TO COMMIT CONDUCT PROSCRIBED UNDER
5 SECTION 145C, 349, 520B, 520C, 520D, 520E, OR 520G IN WHICH THE
6 VICTIM OR INTENDED VICTIM IS A MINOR.
7 (B) COMMITTING, ATTEMPTING TO COMMIT, CONSPIRING TO COMMIT,
8 OR SOLICITING ANOTHER PERSON TO COMMIT CONDUCT PROSCRIBED UNDER
9 SECTION 350 OR 350A.
10 (C) COMMITTING OR ATTEMPTING TO COMMIT CONDUCT PROSCRIBED
11 UNDER SECTION 145A OR 157C.

1 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
2 FELONY PUNISHABLE AS FOLLOWS:

3 (A) FOR A FIRST OFFENSE, BY IMPRISONMENT FOR NOT MORE THAN 2
4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

5 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, BY IMPRISONMENT FOR
6 NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR
7 BOTH.

8 (3) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING
9 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
10 OF LAW COMMITTED BY THAT PERSON WHILE VIOLATING THIS SECTION,
11 INCLUDING THE UNDERLYING OFFENSE.

12 (4) A TERM OF IMPRISONMENT IMPOSED UNDER THIS SECTION MAY BE
13 SERVED CONSECUTIVELY TO AND PRECEDING ANY TERM OF IMPRISONMENT
14 IMPOSED FOR CONVICTION OF THE UNDERLYING OFFENSE.

15 (5) AS USED IN THIS SECTION:

16 (A) "INTERNET" MEANS A WORLDWIDE INTERCONNECTION OF INDIVID-
17 UAL COMPUTERS AND COMPUTER NETWORKS AND THE FACILITIES AND EQUIP-
18 MENT USED TO ACCESS THOSE INTERCONNECTED NETWORKS.

19 (B) "MINOR" MEANS AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF
20 AGE.