

HOUSE BILL No. 5134

August 22, 2007, Introduced by Reps. David Law, LaJoy, Ward and Marleau 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 WHOM HE OR
8 SHE KNOWS OR HAS REASON TO BELIEVE IS UNDER THE AGE OF 18 BY MEANS
9 OF A COMMERCIAL SOCIAL NETWORKING WEBSITE.

10 (3) SUBSECTIONS (1) AND (2) APPLY TO ANY LISTED OFFENSE, AS

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

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

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

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

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

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

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

23 (D) ENABLES COMMUNICATION AMONG USERS.