

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.540e.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

750.540e.amended Malicious use of service provided by telecommunications service provider.

Sec. 540e. (1) A person who maliciously uses any service provided by a telecommunications service provider with intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by doing any of the following is guilty of a misdemeanor:

(a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device.

(b) Falsely and deliberately reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.

(c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.

(d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.

(e) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered.

(f) Making an unsolicited commercial telephone call that is received between the hours of 9 p.m. and 9 a.m. As used in this subdivision, "an unsolicited commercial telephone call" means a call made by a person or recording device, on behalf of a person, corporation, or other entity, soliciting business or contributions.

(g) Deliberately engaging or causing to engage the use of a telecommunications service or device of another person in a repetitive manner that causes interruption in telecommunications service or prevents the person from utilizing the person's telecommunications service or device.

(h) Engaging in any of the conduct prohibited under subdivisions (a) to (g) if the person and the other person are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household. As used in this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(2) A person who violates this section may be imprisoned for not more than 6 months or fined not more than \$1,000.00, or both. An offense is committed under this section if the communication either originates or terminates in this state and may be prosecuted at the place of origination or termination.

(3) As used in this section, "telecommunications service" and "telecommunications device" mean those terms as defined in section 540c.

History: Add. 1969, Act 328, Eff. Mar. 20, 1970;—Am. 1988, Act 395, Eff. Mar. 30, 1989;—Am. 2002, Act 577, Eff. Nov. 1, 2002;—Am. 2023, Act 199, Eff. Feb. 13, 2024.