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BILL ANALYSIS

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Senate Bill 1025 (Substitute S-3 as reported)
Sponsor: Senator Michael D. Bishop
Committee: Technology and Energy

CONTENT

The bill would create the "Michigan Children's Protection Registry Act" to do the following:

- Require the Department of Labor and Economic Growth (DLEG) to establish and operate a "Child Protection Registry" on which a person or school could register contact points (e.g., e-mail addresses) belonging to a minor or to which a minor could have access.
- Prohibit a person from sending to a registered contact point a communication that contained, advertised, or linked to, a product or service that a minor is prohibited by law from purchasing, viewing, possessing, or otherwise receiving.
- Require a person who wanted to send such a communication to pay a fee set by the DLEG to verify compliance with the Registry.
- Prohibit the release of information contained on the Registry.
- Prescribe criminal penalties for violating the proposed Act; and allow a recipient, a person through whose facilities the illegal communications were transmitted, or the Attorney General to bring a civil action against a violator.

A violation of the proposed Act would be a misdemeanor. A first violation would be punishable by imprisonment for up to six months and/or a maximum fine of \$5,000. A second violation would be punishable by up to one year and/or \$10,000. A third or subsequent violation would be punishable by up to one year and/or \$25,000.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on the State and local government. There are no data available to indicate how many offenders would be convicted of violating the proposed Act. Department of Attorney General enforcement costs would depend on the number of violations. Local units of government incur the costs of misdemeanor probation and incarceration in a local facility, both of which vary by county. Public libraries would benefit from any additional revenue raised from the proposed penal fines.

Administrative costs incurred by the Department of Labor and Economic Growth would depend on the cost of operating the Registry. The bill provides that the Registry's operation would be funded completely from the fees, fines, and civil penalties collected by the DLEG under the proposed Act.

Date Completed: 5-17-04

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