



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5979 (Substitute S-1 as reported)
Sponsor: Representative David Palsrok
House Committee: Energy and Technology
Senate Committee: Technology and Energy

CONTENT

The bill would amend Public Act 53 of 1979, which prohibits fraudulent access to computers, computer systems, and computer networks, to provide that a violation of the proposed Michigan Children's Protection Registry Act also would be a violation of Public Act 53; and prescribe penalties. The bill would take effect on July 1, 2005. It is tie-barred to Senate Bill 1025.

(Senate Bill 1025 would create the "Michigan Children's Protection Registry Act" to 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; and 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.)

Under House Bill 5979 (H-1), a violator would be guilty of a crime punishable as shown in the following table.

Violation	Type	Maximum Imprisonment	Maximum Fine
First	Misdemeanor	1 year	\$10,000
Second	Felony	2 years	\$20,000
Third or Subsequent	Felony	3 years	\$30,000

Additionally, all money and other income earned as a result of the defendant's violations, and all computer equipment, all computer software, and all personal property known by the owner to have been used in a violation, would be subject to lawful seizure and forfeiture.

Proposed MCL 752.795a & 752.797a

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. Local units of government incur the costs of misdemeanor probation and incarceration in local facilities, both of which vary by county. The State incurs the cost of felony probation at an average annual cost of \$1,800, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000. Public libraries would benefit from any revenue raised from additional penal fines.

Date Completed: 6-23-04

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.