

# HOUSE BILL No. 5112

August 21, 2007, Introduced by Reps. Robertson and LaJoy and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 540e (MCL 750.540e), as amended by 2002 PA 577.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 540e. (1) A person ~~is guilty of a misdemeanor who~~  
2 ~~maliciously uses~~ **SHALL NOT USE** any service provided by a  
3 telecommunications service provider ~~with intent~~ to terrorize,  
4 frighten, intimidate, threaten, harass, molest, or annoy another  
5 person, or to disturb the peace and quiet of another person by  
6 **DOING** any of the following:
- 7       (a) Threatening physical harm or damage to any person or  
8 property in the course of a conversation or message through the use  
9 of a telecommunications service or **TELECOMMUNICATIONS** device.

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

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

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

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

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

22 (g) Deliberately engaging or causing to engage the use of a  
23 telecommunications service or **TELECOMMUNICATIONS** device of another  
24 person in a repetitive manner that causes interruption in  
25 telecommunications service or prevents the person from utilizing  
26 his or her telecommunications service or **TELECOMMUNICATIONS** device.

27 (2) A person ~~violating~~ **WHO VIOLATES** this section ~~may be~~

1 ~~imprisoned~~ IS GUILTY OF A CRIME AS FOLLOWS:

2       (A) FOR A VIOLATION OF SUBDIVISION (1) (A), (C), (D), (E), (F),  
3 OR (G), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
4 IMPRISONMENT for not more than 6 months or ~~fined~~ A FINE OF not more  
5 than \$1,000.00, or both.

6       (B) FOR A VIOLATION OF SUBDIVISION (1) (B), THE PERSON IS  
7 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4  
8 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

9       (3) An offense is committed under this section if the  
10 communication either originates or terminates in this state and may  
11 be prosecuted at the place of origination or termination.

12       (4) ~~(3)~~ As used in this section, "~~telecommunications~~",  
13 "telecommunications service" ~~—~~ and "telecommunications device" mean  
14 those terms as defined in section 540c.