

HOUSE BILL No. 5017

September 27, 2017, Introduced by Rep. Lucido and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411x.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 411X. (1) A PERSON SHALL NOT CYBERBULLY ANOTHER PERSON.**

2 **(2) A PERSON WHO VIOLATES SUBSECTION (1) AND BY THAT VIOLATION**
3 **CAUSES THE VICTIM TO SUFFER FROM AN ASSAULT OR AN ASSAULT AND**
4 **BATTERY BY THE VIOLATOR OR ANY OTHER PERSON IS GUILTY OF A**
5 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR**
6 **A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.**

7 **(3) A PERSON WHO VIOLATES SUBSECTION (1) AND BY THAT VIOLATION**
8 **CAUSES THE DEATH OF THE VICTIM, REGARDLESS OF WHETHER THE VIOLATOR**
9 **PHYSICALLY CAUSED THE DEATH OF THE VICTIM OR THE VICTIM'S DEATH WAS**
10 **DUE TO THE SUICIDE OF THE VICTIM AS A RESULT OF THE VIOLATION OF**

1 SUBSECTION (1) OR WAS CAUSED BY ANOTHER PERSON AS A RESULT OF THE
2 VIOLATION OF SUBSECTION (1), IS GUILTY OF A FELONY PUNISHABLE BY
3 IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN
4 \$5,000.00, OR BOTH.

5 (4) AS USED IN THIS SECTION:

6 (A) "CYBERBULLY" INCLUDES ALL OF THE FOLLOWING PROHIBITED
7 ACTIVITIES:

8 (i) POSTING A MESSAGE OR STATEMENT IN A PUBLIC MEDIA FORUM
9 ABOUT ANY OTHER PERSON IF ALL OF THE FOLLOWING APPLY:

10 (A) THE MESSAGE OR STATEMENT IS FALSE OR INTENTIONALLY
11 MISLEADING.

12 (B) A REASONABLE PERSON WOULD FIND THE STATEMENT OR MESSAGE TO
13 BE DAMAGING TO THE CHARACTER OR REPUTATION OF ANOTHER PERSON.

14 (C) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
15 INTIMIDATE, FRIGHTEN, OR HARASS ANY OTHER PERSON OR TO CAUSE
16 EMOTIONAL DISTRESS.

17 (ii) POSTING A MESSAGE OR STATEMENT IN A PUBLIC MEDIA FORUM
18 ABOUT ANY OTHER PERSON IF BOTH OF THE FOLLOWING APPLY:

19 (A) THE PERSON MAKING THE POSTING INTENTIONALLY CONCEALS HIS
20 OR HER IDENTITY IN ORDER TO MISLEAD ANY OTHER PERSON INTO BELIEVING
21 THAT THE MESSAGE WAS POSTED BY ANOTHER PERSON OR TO MAINTAIN
22 ANONYMITY.

23 (B) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
24 INTIMIDATE, FRIGHTEN, OR HARASS ANY OTHER PERSON OR TO CAUSE
25 EMOTIONAL DISTRESS.

26 (iii) POSTING A MESSAGE OR STATEMENT IN A PUBLIC MEDIA FORUM
27 URGING, RECOMMENDING, OR SOLICITING ANOTHER PERSON TO INJURE OR

1 KILL HIMSELF OR HERSELF, OR URGING ANOTHER PERSON TO INJURE OR KILL
2 THE PERSON THE POSTING WAS MADE ABOUT, IF ANY OF THE FOLLOWING
3 APPLY:

4 (A) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
5 CAUSE THE OTHER PERSON TO INJURE OR KILL HIMSELF OR HERSELF OR IS
6 POSTED UNDER CIRCUMSTANCES OR IN SUCH A MANNER THAT A REASONABLE
7 PERSON WOULD KNOW THAT THE OTHER PERSON MAY INJURE OR KILL HIMSELF
8 OR HERSELF.

9 (B) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
10 CAUSE ANOTHER PERSON TO INJURE OR KILL THE PERSON ABOUT WHOM THE
11 POST WAS MADE OR IS POSTED UNDER CIRCUMSTANCES OR IN SUCH A MANNER
12 THAT A REASONABLE PERSON WOULD KNOW THAT ANOTHER PERSON MAY INJURE
13 OR KILL THE PERSON ABOUT WHOM THE POST WAS MADE.

14 (C) THE MESSAGE OR STATEMENT IS POSTED WITH THE INTENT TO
15 INTIMIDATE, FRIGHTEN, OR HARASS ANY OTHER PERSON OR TO CAUSE
16 EMOTIONAL DISTRESS.

17 (B) "PUBLIC MEDIA FORUM" MEANS THE INTERNET OR ANY OTHER
18 MEDIUM DESIGNED OR INTENDED TO BE USED TO CONVEY INFORMATION TO
19 OTHER INDIVIDUALS, REGARDLESS OF WHETHER A MEMBERSHIP OR PASSWORD
20 IS REQUIRED TO VIEW THE INFORMATION.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.