



HOUSE BILL No. 5431

February 22, 2000, Introduced by Reps. Lockwood, Switalski, Wojno, DeHart, Schermesser, Bovin, Spade, Shackleton, O'Neil, Jacobs and Birkholz and referred to the Committee on Energy and Technology.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540e (MCL 750.540e), as amended by 1988 PA 395.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 540e. (1) ~~Any~~ A person is guilty of a misdemeanor
2 who maliciously uses any service provided by a communications
3 common carrier with intent to terrorize, frighten, intimidate,
4 threaten, harass, molest, or annoy any other person, or to dis-
5 turb the peace and quiet of any other person by any of the
6 following:

7 (a) Threatening physical harm or damage to any person or
8 property in the course of a telephone conversation.

9 (b) Falsely and deliberately reporting by telephone or
10 telegraph message that any person has been injured, has suddenly

1 taken ill, has suffered death, or has been the victim of a crime,
2 or of an accident.

3 (c) Deliberately refusing or failing to disengage a connec-
4 tion between a telephone and another telephone or between a tele-
5 phone and other equipment provided for the transmission of mes-
6 sages by telephone, thereby interfering with any communications
7 service.

8 (d) Using any vulgar, indecent, obscene, or offensive lan-
9 guage or suggesting any lewd or lascivious act in the course of a
10 telephone conversation.

11 (e) Repeatedly initiating a telephone call and, without
12 speaking, deliberately hanging up or breaking the telephone con-
13 nection as or after the telephone call is answered.

14 (f) Making an unsolicited commercial telephone call ~~which~~
15 THAT is received ON SUNDAY OR between the hours of ~~9~~ 5 p.m. and
16 9 a.m. MONDAY THROUGH SATURDAY. For the purpose of this subdivi-
17 sion, "an unsolicited commercial telephone call" means a call
18 made by a person or recording device, on behalf of a person, cor-
19 poration, or other entity, soliciting business or contributions.

20 (g) Deliberately calling a telephone of another person in a
21 repetitive manner which causes interruption in telephone service
22 or prevents the person from utilizing his or her telephone
23 service.

24 (2) ~~Any~~ A person violating this section may be imprisoned
25 for not more than 6 months, or fined not more than \$500.00, or
26 both. An offense is committed under this section if the
27 communication either originates or terminates or both originates

1 and terminates in this state and may be prosecuted at the place
2 of origination or termination.