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DOUBLE THE CURRENT FINE FOR MALICIOUS PHONE CALLS

House Bill 4080

Sponsor: Rep. Mary Ann Middaugh
Committee: Energy and Technology

Complete to 2-12-01

A SUMMARY OF HOUSE BILL 4080 AS INTRODUCED 1-31-01

Currently, the Michigan Penal Code imposes imprisonment for up to six months and a fine of up to \$500 on people convicted of the misdemeanor crime of making “malicious” telephone calls. The bill would double the maximum possible fine for this misdemeanor to \$1,000.

More specifically, the penal code makes it a misdemeanor, punishable by imprisonment for up to six months and a fine of up to \$500, to “maliciously” use any service provided by a “communications common carrier” with the intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy any other person, or to disturb the peace and quiet of any other person by taking any of various actions listed in the code. The list includes:

- (1) Threatening physical harm or damage to any person or property in the course of a telephone conversation;
- (2) Falsely and deliberately reporting by telephone or telegraph message that any person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime, or of an accident;
- (3) Deliberately refusing or failing to disengage a connection between a telephone and another telephone or between a telegraph and other equipment provided for the transmission of messages by telephone;
- (4) Using any “vulgar, indecent, obscene, or offensive” language or suggesting any “lewd or lascivious” act in the course of a telephone conversation;
- (5) Repeatedly initiating a telephone call and, without speaking, deliberately hanging up or breaking the telephone connection as or after the telephone call is answered;
- (6) Making an unsolicited commercial telephone call (a call made by a person or recording device on behalf of a person, corporation, or other entity to solicit business of contributions) which is received between 9 p.m. and 9 a.m.; and
- (7) Deliberately calling a telephone of another person in a repetitive manner which causes interruption in telephone service or prevents the person from using his or her telephone services.

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In addition to doubling the maximum fine for these actions, the bill also would replace the term “communications common carrier” with “communications provider,” and would refer to “telephone conversation or message” instead of just “telephone conversation.”

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.