

SENATE BILL No. 770

August 26, 2009, Introduced by Senators PATTERSON and CROPSEY and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
(MCL 28.721 to 28.736) by adding section 37.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 37. (1) AN INDIVIDUAL WHO WAS CONVICTED OF A LISTED
2 OFFENSE IN WHICH THE VICTIM OR INTENDED VICTIM WAS A MINOR, OR WAS
3 BELIEVED BY THE INDIVIDUAL TO BE A MINOR, AND THE OFFENSE INVOLVED
4 THE USE OF A COMPUTER SHALL NOT ACCESS A COMMERCIAL SOCIAL
5 NETWORKING WEBSITE WHEN THE INDIVIDUAL KNOWS OR HAS REASON TO KNOW
6 THAT THE COMMERCIAL SOCIAL NETWORKING WEBSITE PERMITS MINOR
7 CHILDREN TO BECOME MEMBERS OR CREATE OR MAINTAIN A PERSONAL WEBPAGE
8 ON A COMMERCIAL SOCIAL NETWORKING WEBSITE.

9 (2) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) IS GUILTY OF A

1 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A
2 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

3 (3) A VIOLATION OR ATTEMPTED VIOLATION OF THIS SECTION MAY BE
4 PROSECUTED IN ANY JURISDICTION IN WHICH THE COMMUNICATION THAT IS
5 THE BASIS OF THE VIOLATION ORIGINATED OR TERMINATED.

6 (4) AS USED IN THIS SECTION:

7 (A) "COMMERCIAL SOCIAL NETWORKING WEBSITE" MEANS A WEBSITE
8 THAT IS ALL OF THE FOLLOWING:

9 (i) OPERATED BY A PERSON WHO DERIVES REVENUE FROM MEMBERSHIP
10 FEES, ADVERTISING, OR OTHER SOURCES RELATED TO THE OPERATION OF THE
11 WEBSITE.

12 (ii) FACILITATES THE SOCIAL INTRODUCTION BETWEEN 2 OR MORE
13 INDIVIDUALS FOR THE PURPOSE OF FRIENDSHIP, MEETING OTHER
14 INDIVIDUALS, OR INFORMATION EXCHANGE.

15 (iii) ALLOWS USERS TO CREATE POSTS, WEBPAGES, OR PERSONAL
16 PROFILES THAT CONTAIN OR FACILITATE THE EXCHANGE OF INFORMATION,
17 INCLUDING, BUT NOT LIMITED TO, THE USER'S NAME OR NICKNAME,
18 PHOTOGRAPHS PLACED ON THE USER'S PERSONAL WEBPAGE, PERSONAL
19 INFORMATION ABOUT THE USER, AND LINKS TO OTHER PERSONAL WEBPAGES ON
20 THE INTERNET WEBSITE OF THE USER'S FRIENDS OR ASSOCIATES THAT MAY
21 BE ACCESSED BY THE OTHER USER OR A VISITOR TO THE WEBSITE.

22 (iv) PROVIDES A USER OR A VISITOR TO THE INTERNET WEBSITE WITH
23 A MECHANISM TO COMMUNICATE WITH OTHER USERS, INCLUDING, BUT NOT
24 LIMITED TO, A MESSAGE BOARD, CHAT ROOM, ELECTRONIC MAIL, OR INSTANT
25 MESSAGE SERVICES.

26 (v) PERMITS REGISTERED USERS TO CREATE AN ONLINE JOURNAL AND
27 TO SHARE THAT JOURNAL WITH OTHER USERS, BUT NOT NECESSARILY WITH

1 ALL USERS.

2 (B) "INTERNET" MEANS THAT TERM AS DEFINED IN SECTION 230 OF
3 THE COMMUNICATIONS ACT OF 1934, 47 USC 230.

4 (C) "JOURNAL" MEANS A RECORD OF EVENTS, THOUGHTS, EXPRESSIONS,
5 OR STATEMENTS PROVIDED, DIRECTLY OR INDIRECTLY, BY A REGISTERED
6 USER.

7 (D) "PROFILE" MEANS DATA OR OTHER INFORMATION ENTERED BY A
8 REGISTERED USER THAT IS STORED AND MADE AVAILABLE BY THE COMMERCIAL
9 SOCIAL NETWORKING WEBSITE IN A RESTRICTED OR UNRESTRICTED MANNER.

10 Enacting section 1. This amendatory act takes effect on the
11 first day of the third month after it is enacted into law.