

Act No. 457
Public Acts of 2018
Approved by the Governor
December 24, 2018
Filed with the Secretary of State
December 27, 2018
EFFECTIVE DATE: March 27, 2019

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Rep. Lucido

ENROLLED HOUSE BILL No. 5017

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 411x.

The People of the State of Michigan enact:

Sec. 411x. (1) A person shall not cyberbully another person.

(2) A person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) A person who violates subsection (1), and who has a prior conviction for a violation of subsection (1), is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(4) A person who violates subsection (1) in a manner that involves a continued pattern of harassing or intimidating behavior and by that violation causes serious injury to the victim is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. As used in this subsection, “serious injury” means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.

(5) A person who violates subsection (1) in a manner that involves a continued pattern of harassing or intimidating behavior and by that violation causes the death of the victim is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

(6) As used in this section:

(a) “Cyberbully” includes posting a message or statement in a public media forum about any other person if both of the following apply:

(i) The message or statement is intended to place a person in fear of bodily harm or death and expresses an intent to commit violence against the person.


(ii) The message or statement is posted with the intent to communicate a threat or with knowledge that it will be viewed as a threat.

(b) “Pattern of harassing or intimidating behavior” means a series of 2 or more separate noncontinuous acts of harassing or intimidating behavior.

(c) “Public media forum” means the internet or any other medium designed or intended to be used to convey information to other individuals, regardless of whether a membership or password is required to view the information.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor