Criminal Law

**The Michigan Penal Code (MPC) amended to prohibit “cyberbullying”**

Public Act 457 of 2018 added MCL 750.411x to the MPC to prohibit a person from "cyberbullying" another person.

**Definitions**

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

- It is intended to place a person in fear of bodily harm or death and expresses an intent to commit violence against the person. MCL 750.411x(6)(a)(i).
- It is posted with the intent to communicate a threat or with knowledge it would be viewed as a threat. MCL 750.411x(6)(a)(ii).

"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. MCL 750.411x(6)(c).

**Penalty**

Cyberbullying is punishable as a 93-day misdemeanor for the first offense and punishable as a 1-year misdemeanor for a subsequent offense. MCL 750.411x(2), (3).

However, any violation involving a continued "pattern of harassing or intimidating behavior," as defined in MCL 750.411x(6)(b), is punishable as a 5-year felony if it causes "serious injury," as defined in MCL 750.411x(4), and is punishable as a 10-year felony if it causes death. MCL 750.411x(4), (5).

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**The MPC amended to prohibit threats of violence with firearm, explosive, or other dangerous weapon against students or employees on school property or grounds**

Public Act 532 of 2018 added MCL 750.235b to the MPC to prohibit a person from intentionally threatening to use a firearm, explosive, or other "dangerous weapon" to commit an act of violence against any students or "school" employees on "school" grounds or "school property" if both of the following apply to the threat:

- It can be reasonably interpreted to be harmful or adverse to human life or "dangerous to human life."
- It is made verbally, through the use of an electronic device or system, or through other means.

**Definitions**

"Dangerous weapon" means a knife, stabbing instrument, brass knuckles, blackjack, club, or other object specifically designed or customarily carried or possessed for use as a weapon. MCL 750.235b(4)(a).

"Dangerous to human life" means a substantial likelihood of death or serious injury or a violation of MCL 750.349 or MCL 750.350. MCL 750.235b(1); MCL 750.543b(b).

"School" means a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12. MCL 750.235b(4)(b); MCL 750.237a(6)(b).

"School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, except a building used primarily for adult education or college extension courses. MCL 750.235b(4)(c); MCL 750.237a(6)(c).

**Penalty**

A violation of MCL 750.235b is punishable as a 1-year misdemeanor. MCL 750.235b(1).

However, a violation is punishable as a 10-year felony if, in the course of the violation, the person had specific intent to carry out the threat or had undertaken an overt act toward carrying out the threat. MCL 750.235b(2).