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CRIMINAL LAW AND PROCEDURE MANUAL

The fourth edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is now available for purchase in print and eBook formats.

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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 is 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).

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\(2\)](#).