

HOUSE BILL No. 4771

May 23, 2013, Introduced by Reps. Graves, Cotter, Schmidt, Rendon, Hovey-Wright, Slavens, Knezek and Oakes and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 410b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 410B. (1) A PERSON SHALL NOT INTENTIONALLY CONTACT ANY
2 INDIVIDUAL THAT THE PERSON KNOWS HAS SUSTAINED A PERSONAL INJURY,
3 OR ANY FAMILY MEMBER OF THAT INDIVIDUAL, WITH A DIRECT SOLICITATION
4 TO PROVIDE A SERVICE UNTIL THE EXPIRATION OF 30 DAYS AFTER THE
5 EVENT THAT CAUSED THE PERSONAL INJURY. THIS SUBSECTION DOES NOT
6 APPLY IF THE INDIVIDUAL HAS REQUESTED THE CONTACT FROM THAT PERSON.

7 (2) AS USED IN THIS SECTION:

8 (A) "DIRECT SOLICITATION TO PROVIDE A SERVICE" MEANS A VERBAL
9 OR WRITTEN SOLICITATION OR OFFER, INCLUDING BY ELECTRONIC MEANS,
10 MADE TO THE INJURED INDIVIDUAL OR A FAMILY MEMBER SEEKING
11 EMPLOYMENT TO PROVIDE A SERVICE THAT IS BASED UPON THE KNOWLEDGE OR

1 BELIEF THAT THE INDIVIDUAL HAS SUSTAINED A PERSONAL INJURY AND THAT
2 IS DIRECTED TOWARD THAT INDIVIDUAL OR A FAMILY MEMBER.

3 (B) "PERSONAL INJURY" MEANS ANY PHYSICAL OR MENTAL INJURY,
4 INCLUDING WRONGFUL DEATH, RESULTING FROM THE EVENT THAT CAUSED THE
5 PERSONAL INJURY.

6 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
7 MISDEMEANOR PUNISHABLE AS FOLLOWS:

8 (A) EXCEPT AS PROVIDED IN SUBSECTION (B), BY A FINE OF NOT
9 MORE THAN \$15,000.00.

10 (B) FOR A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION, BY A
11 FINE OF NOT MORE THAN \$30,000.00.

12 (4) THE COURT MAY ORDER AN INDIVIDUAL CONVICTED OF VIOLATING
13 THIS SECTION TO PAY THE COSTS OF PROSECUTION AS PROVIDED IN THE
14 CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 760.1 TO 777.69.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. ____ (request no.
17 00680'13) of the 97th Legislature is enacted into law.