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## FALSE OR MISLEADING CRIME INFORMATION

**House Bill 5399**

**Sponsor: Rep. Gary Woronchak**

**House Bill 5444**

**Sponsor: Rep. Jim Howell**

**House Bill 5445**

**Sponsor: Rep. John Pappageorge**

**House Bill 5446**

**Sponsor: Rep. Derrick Hale**

**Committee: Criminal Justice**

**Complete to 1-25-02**

### **A SUMMARY OF HOUSE BILLS 5399 AND 5444-5446 AS INTRODUCED 11-1-01**

House Bill 5399. The Michigan Penal Code prohibits a person from intentionally making a false report of the commission of a crime to a member of the Michigan State Police, a sheriff or deputy sheriff, a local police officer, or any other Michigan peace officer, knowing the report to be false. The bill would amend the code (MCL 750.411a) to also prohibit a person from intentionally causing a false report of the commission of a crime to be made. Further, the bill would change the current reference to law enforcement officials and expand the reference to include others who may lawfully receive crime reports. Under the bill, it would be a crime to make a false report of a crime to a peace officer, state or local police agency, 9-1-1 operator, or any other governmental employee or contractor, or employee of a contractor, who was authorized to receive reports of a crime.

(The Michigan Penal Code defines a “peace officer” as a state or local police officer, a police officer of any entity of the U.S., a county sheriff or his or her deputy, a public safety officer of a college or university who is authorized by the governing board of that college or university to enforce state law and the rules and ordinances of that college or university, or a state or federal conservation officer.)

House Bill 5444. The Michigan Penal Code prohibits giving, offering, or promising anything of value to anyone in an effort to influence someone’s statement or presentation of evidence to a police officer during a lawful investigation of a crime. The code also prohibits the use of threats or intimidation in an effort to influence someone’s statement or presentation of evidence to a police officer during a lawful investigation of a crime. House Bill 5444 would amend the code (MCL 750.483a) to change the reference to “police officer” to “peace officer” and to prohibit a person from knowingly providing false or misleading information to a peace officer in the performance of his or her duties as a peace officer. Currently, in either situation, the code provides an affirmative defense where the conduct was lawful and the defendant’s sole

House Bills 5399 and 5444-5446 (1-25-02)

intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully. The defendant has the burden of proving the existence of the defense by a preponderance of the evidence. The affirmative defense would extend to the new prohibition that would be added by the bill.

House Bill 5445. Under the Michigan Penal Code, a person is prohibited from giving, promising, or offering anything of value to an individual in order to interfere with the testimony of any person in a present or future official proceeding. More specifically, the code prohibits bribing a person to discourage attendance, testimony, or the provision of information at a present or future official proceeding; to influence testimony; or to encourage the avoidance of legal process or the provision false testimony. House Bill 5445 would amend the code (750.122) to also prohibit a person from knowingly influencing or attempting to influence any individual to provide false or misleading testimony or provide false or misleading evidence at a present or future official proceeding. Further, the code provides an affirmative defense to charges of bribery of a witness where the conduct was lawful and the defendant's sole intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully. The defendant has the burden of proving the existence of the defense by a preponderance of the evidence. The affirmative defense would apply to the proposed provision as well.

House Bill 5446. The Michigan Penal Code establishes tiered penalties for attempting to influence jurors by means other than those allowed in appropriate court proceedings. The bill would amend the code (750.120a) to make a technical correction to a reference that exempts intimidation that involved the commission or attempted commission of a crime or a threat to kill or injure any person, or to cause property damage, from a provision that makes intimidation of a juror a four-year felony offense with a fine up to \$5,000; the penalty for the former crime is imprisonment for up to 15 years and/or a fine of up to \$25,000.

Analyst: S. Stutzky

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.