

**SUBSTITUTE FOR
HOUSE BILL NO. 5446**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 120a (MCL 750.120a), as amended by 2000
PA 450.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 120a. (1) A person who willfully attempts to influence
2 the decision of a juror in any case by argument or persuasion,
3 other than as part of the proceedings in open court in the trial
4 of the case, is guilty of a misdemeanor punishable by imprison-
5 ment for not more than 1 year or a fine of not more than
6 \$1,000.00, or both.

7 (2) A person who willfully attempts to influence the deci-
8 sion of a juror in any case by intimidation, other than as part
9 of the proceedings in open court in the trial of the case, is
10 guilty of a crime as follows:

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1 (a) Except as provided in ~~subdivision~~ SUBDIVISIONS (b) AND
2 (C), the person is guilty of a felony punishable by imprisonment
3 for not more than 4 years or a fine of not more than \$5,000.00,
4 or both.

5 (b) ~~if~~ EXCEPT AS PROVIDED IN SUBDIVISION (C), IF the
6 intimidation is committed in a FELONY criminal case ~~for which~~
7 ~~the maximum term of imprisonment for the violation is more than~~
8 ~~10 years~~ OR INVOLVES COMMITTING OR ATTEMPTING TO COMMIT A CRIME
9 OR A THREAT TO CAUSE PROPERTY DAMAGE, or the violation is punish-
10 able by imprisonment for life or any term of years, the person is
11 guilty of a felony punishable by imprisonment for not more than
12 ~~10~~ 15 years or a fine of not more than \$20,000.00, or both.

13 (c) If the intimidation ~~involved committing or attempting~~
14 ~~to commit a crime or~~ INVOLVES a threat to kill or injure any
15 person or ~~to cause property damage~~ CAUSING DEATH OR INJURY TO
16 ANY PERSON, the person is guilty of a felony punishable by
17 imprisonment for not more than ~~15~~ 20 years or a fine of not
18 more than \$25,000.00, or both.

19 (3) Subsections (1) and (2) do not prohibit any deliberating
20 juror from attempting to influence other members of the same jury
21 by any proper means.

22 (4) A person who retaliates, attempts to retaliate, or
23 threatens to retaliate against another person for having per-
24 formed his or her duties as a juror is guilty of a felony punish-
25 able by imprisonment for not more than 10 years or a fine of not
26 more than \$20,000.00, or both. As used in this subsection,
27 "retaliate" means any of the following:

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Sub. HB 5446 (H-1) as amended February 13, 2002

3

1 (a) Committing or attempting to commit a crime against any
2 person.

3 (b) Threatening to kill or injure any person or threatening
4 to cause property damage.

5 (5) This section does not prohibit a person from being
6 charged with, convicted of, or punished for any other violation
7 of law including any violation of law arising out of the same
8 transaction as the violation of this section.

9 (6) The court may order a term of imprisonment imposed for
10 violating subsection (2) or (4) to be served consecutively to a
11 term of imprisonment imposed for any other violation of law
12 including any violation of law arising out of the same transac-
13 tion as the violation of this section.

[Enacting section 1. This amendatory act takes effect July 1,
2002.]