

HOUSE BILL No. 5446

November 1, 2001, Introduced by Reps. Hale, Raczkowski, McConico, Rison, Callahan, Thomas, Faunce and Kowall and referred to the Committee on Criminal Justice.

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:

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 the intimidation is committed in a criminal case for
6 which the maximum term of imprisonment for the violation is more
7 than 10 years, or the violation is punishable by imprisonment for
8 life or any term of years, the person is guilty of a felony pun-
9 ishable by imprisonment for not more than 10 years or a fine of
10 not more than \$20,000.00, or both.

11 (c) If the intimidation involved committing or attempting to
12 commit a crime or a threat to kill or injure any person or to
13 cause property damage, the person is guilty of a felony punish-
14 able by imprisonment for not more than 15 years or a fine of not
15 more than \$25,000.00, or both.

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

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

25 (a) Committing or attempting to commit a crime against any
26 person.

1 (b) Threatening to kill or injure any person or threatening
2 to cause property damage.

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

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