

Legislative Analysis



INCREASE PENALTY FOR CRIMINAL CONTEMPT

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House Bill 6271

Sponsor: Rep. David Law

Committee: Judiciary

Complete to 9-12-06

A SUMMARY OF HOUSE BILL 6271 AS INTRODUCED 6-27-06

The bill would amend the Revised Judicature Act (MCL 600.1715) to increase the penalty for criminal contempt. Michigan case law defines "contempt of court" to be "a willful act, omission, or statement that tends to impair the authority or impede the functioning of a court." *In re Contempt of Robertson (Davilla v Fischer Corp)* 209 Mich App 433, 436 (1995). According to the Contempt of Court Benchbook, 3rd edition, published by the Michigan Judicial Institute, "examples of contempt of court include disruptive courtroom behavior, failure to appear in court when required, failure to testify when required, and disobedience of a court order." Distinguishing civil contempt from criminal contempt is often done by examining the purpose of the sanctions. "If the purpose of the sanction is to punish the contemnor for a past act that he or she was forbidden to do, criminal contempt proceedings may be instituted. If, on the other hand, the purpose of the sanction is to coerce the contemnor to do an act for the benefit of the complainant, then civil contempt proceedings are appropriate. [Contempt of Court Benchbook, Chap. 2, pp. 9-10, citing *In re Contempt of Auto Club Ins Ass'n*, 243 Mich App 697, 715-716 (2000)].

The current statutory punishment permitted for contempt of court is a fine of not more than \$250 or imprisonment, or both, in the discretion of the court. However, in a case where imprisonment is imposed for the omission to perform an act or duty which is still within the power of the person to perform, imprisonment cannot exceed 30 days.

The bill would increase the maximum of the fine to \$7,500 and increase the maximum term of imprisonment from 30 days to 93 days.

FISCAL IMPACT:

The bill would have no fiscal impact on the state. Any fiscal impact on local correctional systems would depend on how the bill affected the absolute and relative numbers of individuals jailed as opposed to placed on probation for criminal contempt of court; that impact cannot be determined at this time. Fines for contempt of court go to local libraries, which therefore could benefit from any increase in revenues deriving from fines collected for contempt of court.

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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.