



HOUSE BILL No. 5925

June 21, 2000, Introduced by Reps. Kowall, Bradstreet, Van Woerkom, Shulman, LaSata, Shackleton, Gilbert, Julian, Patterson, Kuipers, Hart, Howell and Faunce and referred to the Committee on Criminal Law and Corrections.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 120a. (1) ~~Any~~ A person who ~~shall wilfully attempt~~
2 WILLFULLY ATTEMPTS to influence the decision of ~~any~~ A juror in
3 any case by ~~means of intimidation or by means of~~ argument or
4 persuasion, other than as part of the proceedings in open court
5 in the trial of the case, ~~shall be~~ IS guilty of a misdemeanor
6 ~~—:— Provided, That this section shall not be construed to~~
7 ~~prevent~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A
8 FINE OF NOT MORE THAN \$500.00, OR BOTH.
9 (2) A PERSON WHO WILLFULLY ATTEMPTS TO INFLUENCE THE
10 DECISION OF A JUROR IN ANY CASE BY INTIMIDATION, OTHER THAN AS

1 PART OF THE PROCEEDINGS IN OPEN COURT IN THE TRIAL OF THE CASE,
2 IS GUILTY OF A CRIME AS FOLLOWS:

3 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS
4 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
5 YEARS OR A FINE OF NOT MORE THAN \$3,000.00, OR BOTH.

6 (B) IF THE INTIMIDATION WAS A THREAT TO KILL OR CAUSE SERI-
7 OUS PHYSICAL INJURY TO ANY PERSON, THE PERSON IS GUILTY OF A
8 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A
9 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

10 (3) SUBSECTIONS (1) AND (2) DO NOT PROHIBIT any deliberating
11 juror from attempting to influence other members of the same jury
12 by any proper means.

13 (4) A PERSON WHO RETALIATES, ATTEMPTS TO RETALIATE, OR
14 THREATENS TO RETALIATE AGAINST ANOTHER PERSON FOR PERFORMING HIS
15 OR HER DUTIES AS A JUROR IS GUILTY OF A FELONY PUNISHABLE BY
16 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
17 \$2,000.00, OR BOTH.

18 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING
19 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
20 OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF
21 THIS SECTION.

22 (6) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR
23 VIOLATING SUBSECTION (2) OR (4) TO BE SERVED CONSECUTIVELY TO A
24 TERM OF IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS SECTION.

26 Enacting section 1. This amendatory act takes effect
27 January 1 , 2000.

1 Enacting section 2. This amendatory act does not take
2 effect unless all of the following bills of the 90th Legislature
3 are enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. 5930 (request
5 no. 02410'99 *).

6 (b) Senate Bill No. _____ or House Bill No. 5928 (request
7 no. 06199'00).

8 (c) Senate Bill No. _____ or House Bill No. 5932 (request
9 no. 06592'00).