

# HOUSE BILL No. 5249

October 9, 1991, Introduced by Reps. McNutt and Randall and referred to the Committee on Judiciary.

A bill to amend section 1701 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended by Act No. 99 of the Public Acts of 1987, being section 600.1701 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 1701 of Act No. 236 of the Public Acts  
2 of 1961, as amended by Act No. 99 of the Public Acts of 1987,  
3 being section 600.1701 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5       Sec. 1701. The supreme court, circuit courts, and all other  
6 courts of record, have power to punish by fine or imprisonment,  
7 or both, persons guilty of any neglect or violation of duty or  
8 misconduct in all of the following cases:

1 (a) Disorderly, contemptuous, or insolent behavior,  
2 committed during its sitting, in its immediate view and presence,  
3 and directly tending to interrupt its proceedings or impair the  
4 respect due to its authority.

5 (b) Any breach of the peace, noise, or disturbance directly  
6 tending to interrupt its proceedings.

7 (c) ~~All attorneys, counselors, clerks, registers, sheriffs,~~  
8 ~~coroners, and all other persons in any manner~~ ANY PERSON duly  
9 elected or appointed to perform any judicial or ministerial serv-  
10 ices ~~— for any misbehavior in their office or trust, or for~~  
11 ~~any willful neglect or violation of duty, for~~ WILLFUL disobedi-  
12 ence of any process of the court, ~~or~~ any lawful order of the  
13 court, or any lawful order of a judge of the court or of any  
14 officer authorized to perform the duties of the judge.

15 (d) Parties to actions for putting in fictitious bail or  
16 sureties or for any deceit or abuse of the process or proceedings  
17 of the court.

18 (e) Parties to actions, attorneys, counselors, and all other  
19 persons for the nonpayment of any sum of money ~~which~~ THAT the  
20 court has ordered to be paid, ~~in cases where~~ IF by law execu-  
21 tion cannot be awarded for the collection of the sum.

22 (f) Parties to actions, attorneys, counselors, and all other  
23 persons for disobeying or refusing to comply with any order of  
24 the court for the payment of temporary or permanent alimony or  
25 support money or costs made in ~~any~~ AN action for divorce or  
26 separate maintenance.

1 (g) Parties to actions, attorneys, counselors, and all other  
2 persons for disobeying any lawful order, decree, or process of  
3 the court.

4 (h) All persons for assuming to be and acting as officers,  
5 attorneys, or counselors of any court without authority; for res-  
6 cuing any property or persons ~~which~~ THAT are in the custody of  
7 an officer by virtue of process issued from that court; for  
8 unlawfully detaining any witness or party to an action while he  
9 OR SHE is going to, remaining at, or returning from the court  
10 where the action is pending for trial; ~~—~~ or for any other  
11 unlawful interference with or resistance to the process or pro-  
12 ceedings in ~~any~~ AN action.

13 (i) All persons who, having been subpoenaed to appear before  
14 or attend, refuse or neglect to obey the subpoena, to attend, to  
15 be sworn, or when sworn, to answer any legal and proper interrog-  
16 atory in any of the following circumstances:

17 (i) As a witness in any court in this state.

18 (ii) Any officer of a court of record who is empowered to  
19 receive evidence.

20 (iii) Any commissioner appointed by any court of record to  
21 take testimony.

22 (iv) Any referees or auditors appointed according to the law  
23 to hear any cause or matter.

24 (v) Any notary public or other person before whom any affi-  
25 davit or deposition is to be taken.

26 (j) Persons summoned as jurors in any court, for improperly  
27 conversing with any party to an action which is to be tried in

1 that court, or with any other person in regard to merits of the  
2 action, or for receiving communications from any party to the  
3 action or any other person in relation to the merits of the  
4 action without immediately disclosing the communications to the  
5 court.

6 (k) All inferior magistrates, officers, and tribunals for  
7 disobedience of any lawful order or process of a superior court,  
8 or for proceeding in any cause or matter contrary to law after  
9 the cause or matter has been removed from their jurisdiction.

10 (l) The publication of a false or grossly inaccurate report  
11 of its proceedings, but no court shall punish as a contempt the  
12 publication of true, full, and fair reports of any trial, argu-  
13 ment, proceedings, or decision had in the court.

14 (m) All other cases ~~where~~ IN WHICH attachments and pro-  
15 ceedings as for contempts have been usually adopted and practiced  
16 in courts of record to enforce the civil remedies of any parties  
17 or to protect the rights of any party.