
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5925 (Substitute S-1 as reported)
Sponsor: Representative Mike Kowall
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to revise the penalties for intimidation of a juror. Currently, willfully attempting to influence a juror's decision by means of intimidation or by means of argument or persuasion, other than as part of the court proceedings, is a misdemeanor with no specified penalty, (which means that it is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500).

Under the bill, willfully attempting to influence a juror's decision by argument or persuasion, other than as part of the court proceedings, would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. Willfully attempting to influence a juror's decision by intimidation, other than as part of the court proceedings, would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000. If the intimidation involved committing or attempting a crime or a threat to kill or cause serious physical injury to any person, the penalty would be up to 15 years' imprisonment and/or a maximum fine of \$25,000. As under current law, the bill would not prohibit any deliberating juror from attempting to influence other members of the same jury by any proper means.

Retaliating or attempting or threatening to retaliate against another person for having performed duties as a juror would be a felony punishable by up to 10 years' imprisonment and/or a maximum fine of \$20,000. ("Retaliate" would mean committing or attempting to commit a crime against any person or threatening to kill or injure any person or threatening to cause property damage.)

MCL 750.120a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

There are no statewide data available to indicate how many offenders a year are convicted of the misdemeanor offense of influencing the decision of a juror. Also, there are no data available to suggest how many offenders could be convicted of using intimidation or threats to influence a jury or retaliating against a juror. Assuming that two offenders a year would be convicted of each of the proposed felonies and each would serve a sentence equal to two-thirds of the maximum sentence, given an average annual cost of incarceration of \$22,000, costs for incarceration could increase \$411,000. If one of the offenders convicted of using intimidation or threats to influence a jury, had threatened to kill or cause serious physical injury, and would serve a sentence equal to two-thirds of the maximum sentence for this crime, costs for incarceration could increase \$572,000.

Date Completed: 12-5-00

Fiscal Analyst: K. Firestone

[floor/hb5925](#)

Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.