

SUBSTITUTE FOR  
HOUSE BILL NO. 5925

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

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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 INVOLVED COMMITTING OR ATTEMPTING TO  
7 COMMIT A CRIME OR A THREAT TO KILL OR CAUSE SERIOUS PHYSICAL  
8 INJURY TO ANY PERSON, THE PERSON IS GUILTY OF A FELONY PUNISHABLE  
9 BY IMPRISONMENT FOR NOT MORE THAN 15 YEARS OR A FINE OF NOT MORE  
10 THAN \$5,000.00, OR BOTH.

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

14 (4) A PERSON WHO RETALIATES, ATTEMPTS TO RETALIATE, OR  
15 THREATENS TO RETALIATE AGAINST ANOTHER PERSON FOR HAVING PER-  
16 FORMED HIS OR HER DUTIES AS A JUROR IS GUILTY OF A FELONY PUNISH-  
17 ABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT  
18 MORE THAN \$2,000.00, OR BOTH. AS USED IN THIS SUBSECTION,  
19 "RETALIATE" MEANS ANY OF THE FOLLOWING:

20 (A) COMMITTING OR ATTEMPTING TO COMMIT A CRIME AGAINST ANY  
21 PERSON.

22 (B) THREATENING TO KILL OR INJURE ANY PERSON OR THREATENING  
23 TO CAUSE PROPERTY DAMAGE.

24 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING  
25 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION  
26 OF LAW INCLUDING ANY VIOLATION OF LAW ARISING OUT OF THE SAME  
27 TRANSACTION AS THE VIOLATION OF THIS SECTION.

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1       (6) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR  
2 VIOLATING SUBSECTION (2) OR (4) TO BE SERVED CONSECUTIVELY TO A  
3 TERM OF IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION OF LAW  
4 INCLUDING ANY VIOLATION OF LAW ARISING OUT OF THE SAME TRANSAC-  
5 TION AS THE VIOLATION OF THIS SECTION.

6       Enacting section 1. This amendatory act takes effect  
7 January 1, 2001.

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

11       (a) House Bill No. 5928.

12       (b) House Bill No. 5930.

13       (c) House Bill No. 5932.