



HOUSE BILL No. 5930

June 21, 2000, Introduced by Reps. Bradstreet, Bishop, Vander Roest, Van Woerkom, Faunce, Kowall, Gosselin, Rick Johnson, Shulman, Shackleton, Gilbert, Hager, Raczkowski, Julian, Hart, Ehardt, Richardville, Cameron Brown, LaSata, Kukuk, O'Neil, Woodward, Bob Brown, DeRossett, Sheltroun and Bovin and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 122.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 122. (1) A PERSON SHALL NOT GIVE, OFFER TO GIVE, OR
2 PROMISE ANYTHING OF VALUE TO AN INDIVIDUAL FOR ANY OF THE FOLLOW-
3 ING PURPOSES:

4 (A) TO DISCOURAGE ANY INDIVIDUAL FROM ATTENDING AN OFFICIAL
5 PROCEEDING AS A WITNESS, TESTIFYING AT AN OFFICIAL PROCEEDING, OR
6 GIVING INFORMATION AT AN OFFICIAL PROCEEDING.

7 (B) TO INFLUENCE ANY INDIVIDUAL'S TESTIMONY AT AN OFFICIAL
8 PROCEEDING.

9 (C) TO ENCOURAGE ANY INDIVIDUAL TO AVOID LEGAL PROCESS, TO
10 WITHHOLD TESTIMONY, OR TO TESTIFY FALSELY IN AN OFFICIAL
11 PROCEEDING.

1 (2) A PERSON SHALL NOT THREATEN OR INTIMIDATE ANY INDIVIDUAL
2 FOR ANY OF THE FOLLOWING PURPOSES:

3 (A) TO DISCOURAGE THE INDIVIDUAL FROM ATTENDING AN OFFICIAL
4 PROCEEDING AS A WITNESS, TESTIFYING AT AN OFFICIAL PROCEEDING, OR
5 GIVING INFORMATION AT AN OFFICIAL PROCEEDING.

6 (B) TO INFLUENCE TESTIMONY AT AN OFFICIAL PROCEEDING.

7 (C) TO ENCOURAGE THE INDIVIDUAL TO AVOID LEGAL PROCESS, TO
8 WITHHOLD TESTIMONY, OR TO TESTIFY FALSELY IN AN OFFICIAL
9 PROCEEDING.

10 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME
11 AS FOLLOWS:

12 (A) EXCEPT AS PROVIDED IN SUBDIVISIONS (B) AND (C), THE
13 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
14 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

15 (B) IF THE VIOLATION IS COMMITTED IN A CRIMINAL CASE FOR
16 WHICH THE MAXIMUM TERM OF IMPRISONMENT FOR THE VIOLATION IS MORE
17 THAN 10 YEARS, OR THE VIOLATION IS PUNISHABLE BY IMPRISONMENT FOR
18 LIFE OR ANY TERM OF YEARS, THE PERSON IS GUILTY OF A FELONY PUN-
19 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

20 (C) IF THE VIOLATION IS A THREAT TO KILL OR CAUSE SERIOUS
21 PHYSICAL INJURY TO ANY PERSON, THE PERSON IS GUILTY OF A FELONY
22 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE
23 OF NOT MORE THAN \$5,000.00, OR BOTH.

24 (4) A PERSON WHO RETALIATES, ATTEMPTS TO RETALIATE, OR
25 THREATENS TO RETALIATE AGAINST ANOTHER PERSON FOR BEING A WITNESS
26 IN AN OFFICIAL PROCEEDING IS GUILTY OF A FELONY PUNISHABLE BY
27 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN

1 \$2,000.00, OR BOTH. AS USED IN THIS SUBSECTION, "RETALIATE"
2 MEANS TO DO ANY OF THE FOLLOWING:

3 (A) COMMIT OR ATTEMPT TO COMMIT A CRIME AGAINST ANY PERSON.

4 (B) THREATEN TO KILL OR INJURE ANY PERSON OR THREATEN TO
5 CAUSE PROPERTY DAMAGE.

6 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING
7 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION
8 OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF
9 THIS SECTION.

10 (6) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR
11 VIOLATING THIS SECTION TO BE SERVED CONSECUTIVELY TO A TERM OF
12 IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION OF LAW ARISING OUT
13 OF THE SAME TRANSACTION AS THE VIOLATION OF THIS SECTION.

14 (7) AS USED IN THIS SECTION, "OFFICIAL PROCEEDING" MEANS A
15 PROCEEDING HEARD BEFORE A LEGISLATIVE, JUDICIAL, ADMINISTRATIVE,
16 OR OTHER GOVERNMENTAL AGENCY OR OFFICIAL AUTHORIZED TO HEAR EVI-
17 DENCE UNDER OATH, INCLUDING A REFEREE, PROSECUTING ATTORNEY,
18 HEARING EXAMINER, COMMISSIONER, NOTARY, OR OTHER PERSON TAKING
19 TESTIMONY OR DEPOSITION IN THAT PROCEEDING.

20 Enacting section 1. This amendatory act takes effect
21 January 1, 2001.

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

25 (a) Senate Bill No. _____ or House Bill No. 5925 (request
26 no. 06198'00).

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

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