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Senate Bill 258 (as enrolled)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 3-17-03

RATIONALE

Public Act 450 of 2000 (House Bill 5925) amended the Michigan Penal Code to revise the penalties for intimidating a juror. Previously, the offense was a misdemeanor with no specified penalty. (At the time, a misdemeanor with no other specified penalty was punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.) Public Act 450 made the offense a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000. The Act also added separate, more severe penalties for 1) intimidation committed in criminal cases for which the maximum term of imprisonment exceeds 10 years, and 2) intimidation involved in committing or attempting to commit a crime or threat.

As amended by Public Act 450, the Code now sets the standard \$5,000/four-year maximum penalty for intimidation, *except* as otherwise provided for intimidation committed in certain criminal cases. The Code does not, however, expressly make an exception to the standard penalty for intimidation involved in committing or attempting to commit a crime or threat. To avoid any confusion about which penalties apply, it has been suggested that there also should be an explicit exception to the standard penalty for juror intimidation that involved a crime, attempted crime, or threat.

CONTENT

The bill would amend the Michigan Penal Code to make an exception to the standard penalty for juror intimidation if the intimidation involved a crime punishable by over 10 years imprisonment or if it involved committing or attempting to commit a crime or threat.

The Code prohibits willfully attempting to influence the decision of a juror by intimidation, other than as part of the proceedings in open court in the trial of the case. Juror intimidation is a felony punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both, unless the intimidation is committed in a criminal case for which the maximum term of imprisonment is more than 10 years or the violation is punishable by imprisonment for life or any term of years. In that event, juror intimidation is punishable by up to 10 years' imprisonment and/or a maximum fine of \$20,000.

The Code also provides that, if juror intimidation involves committing or attempting to commit a crime or a threat to kill or injure any person, or to cause property damage, the violation is a felony punishable by up to 15 years' imprisonment and/or a maximum fine of \$25,000. The bill would make another exception to the standard four-year and \$5,000 maximum penalty for this type of violation.

MCL 750.120a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Since the juror intimidation provision of the Penal Code provides for harsher penalties than normal under two sets of circumstances, but specifies an exception from the standard penalty only for one of them, there might be confusion over which penalty applies in some

cases. By adding another exception to the standard penalty for juror intimidation, the bill would make it clear that the harsher penalty specified by Public Act 450 applied when a violation involved a crime or attempted crime or a threat. The bill has been described as technical, and essentially would add reference to a subsection that had been omitted when Public Act 450 was enacted.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bethany Wicksall

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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.