

HOUSE BILL No. 5050

October 11, 2011, Introduced by Reps. Walsh, Lori, Lyons, Haugh, Heise, Wayne Schmidt and Lane and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 479c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 479C. (1) A PERSON WHO IS INFORMED BY A PEACE OFFICER
2 THAT HE OR SHE IS CONDUCTING A CRIMINAL INVESTIGATION SHALL NOT DO
3 ANY OF THE FOLLOWING:

4 (A) BY ANY TRICK, SCHEME, OR DEVICE, INTENTIONALLY CONCEAL
5 FROM THE PEACE OFFICER ANY MATERIAL FACT RELATING TO THE CRIMINAL
6 INVESTIGATION.

7 (B) INTENTIONALLY MAKE ANY STATEMENT TO THE PEACE OFFICER THAT
8 HE OR SHE KNOWS IS FALSE OR MISLEADING REGARDING A MATERIAL FACT IN

1 THAT CRIMINAL INVESTIGATION.

2 (C) INTENTIONALLY ISSUE OR OTHERWISE PROVIDE ANY WRITING OR
3 DOCUMENT TO THE PEACE OFFICER THAT HE OR SHE KNOWS IS FALSE OR
4 MISLEADING REGARDING A MATERIAL FACT IN THAT CRIMINAL
5 INVESTIGATION.

6 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
7 FOLLOWS:

8 (A) IF THE CRIME BEING INVESTIGATED IS A MISDEMEANOR
9 PUNISHABLE BY IMPRISONMENT FOR 1 YEAR OR LESS, THE PERSON IS GUILTY
10 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93
11 DAYS OR A FINE OF NOT MORE THAN \$500.00.

12 (B) IF THE CRIME BEING INVESTIGATED IS A MISDEMEANOR
13 PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR OR IS A FELONY
14 PUNISHABLE BY IMPRISONMENT FOR LESS THAN 4 YEARS, THE PERSON IS
15 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
16 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

17 (C) IF THE CRIME BEING INVESTIGATED IS A FELONY PUNISHABLE BY
18 IMPRISONMENT FOR 4 YEARS OR MORE, THE PERSON IS GUILTY OF A FELONY
19 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF
20 NOT MORE THAN \$5,000.00, OR BOTH.

21 (3) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM INVOKING
22 HIS OR HER RIGHTS UNDER THE FIFTH AMENDMENT TO THE CONSTITUTION OF
23 THE UNITED STATES OR SECTION 17 OF ARTICLE I OF THE STATE
24 CONSTITUTION OF 1963.

25 (4) AS USED IN THIS SECTION, "PEACE OFFICER" MEANS 1 OR MORE
26 OF THE FOLLOWING:

27 (A) A POLICE OFFICER OF THIS STATE OR A POLITICAL SUBDIVISION

1 OF THIS STATE.

2 (B) A POLICE OFFICER OF ANY ENTITY OF THE UNITED STATES.

3 (C) THE SHERIFF OF A COUNTY OF THIS STATE OR THE SHERIFF'S
4 DEPUTY.

5 (D) A PUBLIC SAFETY OFFICER OF A COLLEGE OR UNIVERSITY WHO IS
6 AUTHORIZED BY THE GOVERNING BOARD OF THAT COLLEGE OR UNIVERSITY TO
7 ENFORCE STATE LAW AND THE RULES AND ORDINANCES OF THAT COLLEGE OR
8 UNIVERSITY.

9 (E) A CONSERVATION OFFICER OF THE DEPARTMENT OF NATURAL
10 RESOURCES.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.