

Act No. 104
Public Acts of 2012
Approved by the Governor
April 18, 2012
Filed with the Secretary of State
April 20, 2012
EFFECTIVE DATE: July 20, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Reps. Walsh, Lori, Lyons, Haugh, Heise, Wayne Schmidt and Lane

ENROLLED HOUSE BILL No. 5050

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 479c.

The People of the State of Michigan enact:

Sec. 479c. (1) Except as provided in this section, a person who is informed by a peace officer that he or she is conducting a criminal investigation shall not do any of the following:

(a) By any trick, scheme, or device, knowingly and willfully conceal from the peace officer any material fact relating to the criminal investigation.

(b) Knowingly and willfully make any statement to the peace officer that the person knows is false or misleading regarding a material fact in that criminal investigation.

(c) Knowingly and willfully issue or otherwise provide any writing or document to the peace officer that the person knows is false or misleading regarding a material fact in that criminal investigation.

(2) A person who violates this section is guilty of a crime as follows:

(a) If the crime being investigated is a serious misdemeanor, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00.

(b) If the crime being investigated is a misdemeanor punishable by imprisonment for more than 1 year or is a felony punishable by imprisonment for less than 4 years, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,500.00, or both.

(c) If the crime being investigated is a felony punishable by imprisonment for 4 years or more, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

(d) If the crime being investigated is any of the following, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both:

- (i) A violation of section 316 or 317 (first or second degree murder).
- (ii) A violation of chapter LXVIIA (human trafficking).
- (iii) A violation of section 520b (first degree criminal sexual conduct).
- (iv) A violation of section 529 (armed robbery).
- (v) A violation of section 529a (carjacking).
- (vi) A violation of chapter LXXXIII-A (terrorism).
- (vii) If the violation is punishable by imprisonment for not less than 20 years:

- (A) A violation of chapter X (arson).
- (B) A violation of chapter XXXIII (explosives and bombs, and harmful devices).
- (C) A violation of chapter L (kidnapping).

(3) This section does not apply to either of the following:

- (a) Any statement made or action taken by an alleged victim of the crime being investigated by the peace officer.
- (b) A person who was acting under duress or out of a reasonable fear of physical harm to himself or herself or another person from a spouse or former spouse, a person with whom he or she has or has had a dating relationship, a person with whom he or she has had a child in common, or a resident or former resident of his or her household.

(4) This section does not prohibit a person from doing either of the following:

(a) Invoking the person's rights under the Fifth Amendment of the constitution of the United States or section 17 of article I of the state constitution of 1963.

(b) Declining to speak to or otherwise communicate with a peace officer concerning the criminal investigation.

(5) As used in this section:

(a) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 persons in a business or social context.

(b) "Peace officer" means any of the following:

- (i) A sheriff or deputy sheriff of a county of this state.
- (ii) An officer of the police department of a city, village, or township of this state.
- (iii) A marshal of a city, village, or township of this state.
- (iv) A constable of any local unit of government of this state.
- (v) An officer of the Michigan state police.
- (vi) A conservation officer of this state.
- (vii) A security employee employed by the state under section 6c of 1935 PA 59, MCL 28.6c.
- (viii) A motor carrier officer appointed under section 6d of 1935 PA 59, MCL 28.6d.

(ix) A police officer or public safety officer of a community college, college, or university within this state who is authorized by the governing board of that community college, college, or university to enforce state law and the rules and ordinances of that community college, college, or university.

(x) A park and recreation officer commissioned under section 1606 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606.

(xi) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107.

(xii) An investigator of the state department of attorney general.

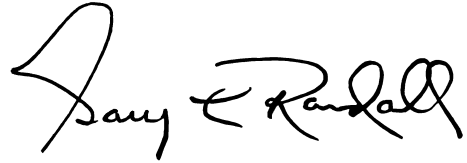
(xiii) An agent of the state department of human services, office of inspector general.

(xiv) A sergeant at arms or assistant sergeant at arms commissioned as police officer under section 2 of the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.382.

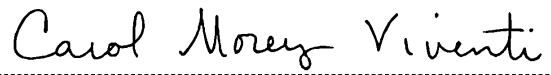
(c) "Serious misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor