

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXII

PERJURY

750.422 Perjury committed in courts.

Sec. 422. Perjury committed in courts—Any person who, being lawfully required to depose the truth in any proceeding in a court of justice, shall commit perjury shall be guilty of a felony, punishable, if such perjury was committed on the trial of an indictment for a capital crime, by imprisonment in the state prison for life, or any term of years, and if committed in any other case, by imprisonment in the state prison for not more than 15 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.422.

Former law: See section 1 of Ch. 156 of R.S. 1846, being CL 1857, § 5820; CL 1871, § 7653; How., § 9235; CL 1897, § 11305; CL 1915, § 14972; and CL 1929, § 16563.

750.422a Making intentional material false statement in petition as felony; penalty; consecutive terms of imprisonment.

Sec. 422a. (1) An individual who intentionally makes a material false statement in a petition filed under section 16 of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.16, is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both.

(2) The court may order a term of imprisonment imposed under this section to be served consecutively to any other term of imprisonment being served by the individual.

History: Add. 2008, Act 411, Imd. Eff. Jan. 6, 2009.

750.423 Perjury; penalty; "record" and "signed" defined.

Sec. 423. (1) Any person authorized by a statute of this state to take an oath, or any person of whom an oath is required by law, who willfully swears falsely in regard to any matter or thing respecting which the oath is authorized or required is guilty of perjury, a felony punishable by imprisonment for not more than 15 years.

(2) Subsection (1) applies to a person who willfully makes a false declaration in a record that is signed by the person and given under penalty of perjury. As used in this subsection:

(a) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(b) "Signed" means the person did either of the following to authenticate or adopt the record:

(i) Executed or adopted a tangible symbol.

(ii) Attached to or logically associated with the record an electronic symbol, sound, or process.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.423;—Am. 2012, Act 360, Eff. Apr. 1, 2013.

Former law: See section 2 of Ch. 156 of R.S. 1846, being CL 1857, § 5821; CL 1871, § 7654; How., § 9236; CL 1897, § 11306; CL 1915, § 14973; and CL 1929, § 16564.

750.424 Subornation of perjury.

Sec. 424. Subornation of perjury—Any person who shall be guilty of subornation of perjury, by procuring another person to commit the crime of perjury, shall be punished as provided in the next preceding section.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.424.

Former law: See section 3 of Ch. 156 of R.S. 1846, being CL 1857, § 5822; CL 1871, § 7655; How., § 9237; CL 1897, § 11307; CL 1915, § 14974; and CL 1929, § 16565.

750.425 Inciting or procuring one to commit perjury.

Sec. 425. Inciting or procuring one to commit perjury—Any person who shall endeavor to incite or procure any person to commit the crime of perjury, though no perjury be committed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.425.

Former law: See section 4 of Ch. 156 of R.S. 1846, being CL 1857, § 5823; CL 1871, § 7656; How., § 9239; CL 1897, § 11308; CL 1915, § 14975; and CL 1929, § 16566.

750.426 Court reasonably believes perjury committed.

Sec. 426. Proceeding when court reasonably believes perjury has been committed—Whenever it shall appear to any court of record that any witness or party who has been legally sworn and examined or has made

an affidavit in any proceeding in a court of justice, has testified in such a manner as to induce a reasonable presumption that he has been guilty of perjury therein, the court may immediately commit such witness or party, by an order or process for that purpose, or may take a recognizance with sureties, for his appearing to answer to an indictment for perjury; and thereupon the witness to establish such perjury may, if present, be bound over to the proper court, and notice of the proceedings shall forthwith be given to the prosecuting attorney.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.426.

Former law: See section 5 of Ch. 156 of R.S. 1846, being CL 1857, § 5824; CL 1871, § 7657; How., § 9239; CL 1897, § 11309; CL 1915, § 14976; and CL 1929, § 16567.

750.427 Perjury trial; securing and detaining papers.

Sec. 427. Securing and detaining papers, etc., necessary in perjury trial—If, in any proceeding in a court of justice, in which perjury shall be reasonably presumed, as aforesaid, any papers, books, or documents shall have been produced, which shall be deemed necessary to be used on any prosecution for such perjury, the court may, by order, detain the same from the person producing them so long as may be necessary in order to their being used in such prosecution.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.427.

Former law: See section 6 of Ch. 156 of R.S. 1846, being CL 1857, § 5825; CL 1871, § 7658; How., § 9240; CL 1897, § 11310; CL 1915, § 14977; and CL 1929, § 16568.