

## THE MICHIGAN PENAL CODE (EXCERPT)

### Act 328 of 1931

#### CHAPTER XVII

#### BRIBERY AND CORRUPTION

##### **750.117 Public officer; bribery.**

Sec. 117. Bribery of public officer—Any person who shall corruptly give, offer or promise to any public officer, agent, servant or employee, after the election or appointment of such public officer, agent, servant or employee and either before or after such public officer, agent, servant or employee shall have been qualified or shall take his seat, any gift, gratuity, money, property or other valuable thing, the intent or purpose of which is to influence the act, vote, opinion, decision or judgment of such public officer, agent, servant or employee, or his action on any matter, question, cause or proceeding, which may be pending or may by law be brought before him in his public capacity, or the purpose and intent of which is to influence any act or omission relating to any public duty of such officer, agent, servant or employee, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.117.

**Former law:** See section 7 of Ch. 156 of R.S. 1846, being CL 1857, § 5826; CL 1871, § 7659; How., § 9241; CL 1897, § 11311; CL 1915, § 14978; and CL 1929, § 16569.

##### **750.118 Public officer; accepting bribe.**

Sec. 118. Public officer accepting bribe—Any executive, legislative or judicial officer who shall corruptly accept any gift or gratuity, or any promise to make any gift, or to do any act beneficial to such officer, under an agreement, or with an understanding that his vote, opinion or judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or that in such capacity, he shall make any particular nomination or appointment, shall forfeit his office, and be forever disqualified to hold any public office, trust or appointment under the constitution or laws of this state, and shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by fine of not more than 5,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.118.

**Former law:** See section 8 of Ch. 156 of R.S. 1846, being CL 1857, § 5827; CL 1871, § 7660; How., § 9242; CL 1897, § 11312; CL 1915, § 14979; and CL 1929, § 16570.

##### **750.119 Corruption of appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee by giving, offering, or promising gift or gratuity regarding pending matter; intent; penalties.**

Sec. 119. (1) A person who corrupts or attempts to corrupt an appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee by giving, offering, or promising any gift or gratuity with the intent to bias the opinion or influence the decision of that appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee regarding any matter pending in a court, or before an inquest, or for the decision for which the appraiser, receiver, trustee, administrator, executor, commissioner, auditor, juror, arbitrator, or referee was appointed or chosen, is guilty of a crime as follows:

(a) Except as provided in subdivision (b), 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.

(b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(2) This section does not prohibit a person from being charged with, convicted of, or punished for any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(3) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.119;—Am. 2000, Act 453, Eff. Mar. 28, 2001.

**Former law:** See section 9 of Ch. 156 of R.S. 1846, being CL 1857, § 5828; CL 1871, § 7661; How., § 9243; CL 1897, § 11313; CL 1915, § 14980; and CL 1929, § 16571.

### **750.120 Jurors, appraisers, etc.; accepting bribe.**

Sec. 120. Juror, etc., accepting bribe—Any person summoned as a juror or chosen or appointed as an appraiser, receiver, trustee, administrator, executor, commissioner, auditor, arbitrator or referee who shall corruptly take anything to give his verdict, award, or report, or who shall corruptly receive any gift or gratuity whatever, from a party to any suit, cause, or proceeding, for the trial or decision of which such juror shall have been summoned, or for the hearing or determination of which such appraiser, receiver, trustee, administrator, executor, commissioner, auditor, arbitrator, or referee shall have been chosen or appointed, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.120.

**Former law:** See section 10 of Ch. 156 of R.S. 1846, being CL 1857, § 5829; CL 1871, § 7662; How., § 9244; CL 1897, § 11314; CL 1915, § 14981; CL 1929, § 16572; and Act 120 of 1875.

### **750.120a Willfully attempting to influence juror by intimidation or other improper means; retaliating against person for having performed duties as juror; penalties.**

Sec. 120a. (1) A person who willfully attempts to influence the decision of a juror in any case by argument or persuasion, other than as part of the proceedings in open court in the trial of the case, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) A person who willfully attempts to influence the decision of a juror in any case by intimidation, other than as part of the proceedings in open court in the trial of the case, is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), 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.

(b) If the intimidation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(c) If the intimidation involved committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$25,000.00, or both.

(3) Subsections (1) and (2) do not prohibit any deliberating juror from attempting to influence other members of the same jury by any proper means.

(4) A person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having performed his or her duties as a juror is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both. As used in this subsection, "retaliate" means any of the following:

(a) Committing or attempting to commit a crime against any person.

(b) Threatening to kill or injure any person or threatening to cause property damage.

(5) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law including any violation of law arising out of the same transaction as the violation of this section.

(6) The court may order a term of imprisonment imposed for violating subsection (2) or (4) to be served consecutively to a term of imprisonment imposed for any other violation of law including any violation of law arising out of the same transaction as the violation of this section.

**History:** Add. 1955, Act 88, Eff. Oct. 14, 1955;—Am. 2000, Act 450, Eff. Mar. 28, 2001;—Am. 2003, Act 280, Imd. Eff. Jan. 8, 2004.

### **750.120b Jury deliberations; recording or attempting to record; penalty.**

Sec. 120b. It shall be unlawful for any person to attempt to record or to record the deliberation of a jury in any case. Any person violating the provisions of this section shall be guilty of a misdemeanor.

**History:** Add. 1956, Act 47, Eff. Aug. 11, 1956.

### **750.121 Public institutions; bribery of officers.**

Sec. 121. Bribery of officers of public institutions by persons having contracts therewith—Any person interested directly or indirectly in a contract with a state or municipal institution who shall corruptly give, offer or promise to any officer of such institution any bribe, gift, or gratuity whatever, with intent to improperly influence his official action under such contract, shall be guilty of felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.121.

**Former law:** See section 2 of Act 107 of 1873, being How., § 9356; CL 1897, § 11385; CL 1915, § 15103; CL 1929, § 484; and Act  
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**750.122 Prohibited acts; witnesses; threat or intimidation; affirmative defense; violation as felony; penalties; applicability of section; definitions.**

Sec. 122. (1) A person shall not give, offer to give, or promise anything of value to an individual for any of the following purposes:

(a) To discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future official proceeding.

(b) To influence any individual's testimony at a present or future official proceeding.

(c) To encourage any individual to avoid legal process, to withhold testimony, or to testify falsely in a present or future official proceeding.

(2) Subsection (1) does not apply to the reimbursement or payment of reasonable costs for any witness to provide a statement to testify truthfully or provide truthful information in an official proceeding as provided for under section 16 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.66, or section 2164 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2164, or court rule.

(3) A person shall not do any of the following by threat or intimidation:

(a) Discourage or attempt to discourage any individual from attending a present or future official proceeding as a witness, testifying at a present or future official proceeding, or giving information at a present or future official proceeding.

(b) Influence or attempt to influence testimony at a present or future official proceeding.

(c) Encourage or attempt to encourage any individual to avoid legal process, to withhold testimony, or to testify falsely in a present or future official proceeding.

(4) It is an affirmative defense under subsections (1) and (3), for which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify or provide evidence truthfully.

(5) Subsections (1) and (3) do not apply to any of the following:

(a) The lawful conduct of an attorney in the performance of his or her duties, such as advising a client.

(b) The lawful conduct or communications of a person as permitted by statute or other lawful privilege.

(6) A person shall not willfully impede, interfere with, prevent, or obstruct or attempt to willfully impede, interfere with, prevent, or obstruct the ability of a witness to attend, testify, or provide information in or for a present or future official proceeding.

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

(a) Except as provided in subdivisions (b) and (c), 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.

(b) If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life or any term of years, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both.

(c) If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$25,000.00, or both.

(8) A person who retaliates, attempts to retaliate, or threatens to retaliate against another person for having been a witness in an official proceeding is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$20,000.00, or both. As used in this subsection, "retaliate" means to do any of the following:

(a) Commit or attempt to commit a crime against any person.

(b) Threaten to kill or injure any person or threaten to cause property damage.

(9) This section applies regardless of whether an official proceeding actually takes place or is pending or whether the individual has been subpoenaed or otherwise ordered to appear at the official proceeding if the person knows or has reason to know the other person could be a witness at any official proceeding.

(10) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of this section.

(11) The court may order a term of imprisonment imposed for violating this section to be served consecutively to a term of imprisonment imposed for the commission of any other crime including any other violation of law arising out of the same transaction as the violation of this section.

(12) As used in this section:

(a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding.

(b) "Threaten or intimidate" does not mean a communication regarding the otherwise lawful access to courts or other branches of government, such as the otherwise lawful filing of any civil action or police report of which the purpose is not to harass the other person in violation of section 2907 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2907.

**History:** Add. 2000, Act 452, Eff. Mar. 28, 2001.

**Compiler's note:** Former MCL 750.122, which pertained to conflict of interest and officers of public institutions, was repealed by Act 317 of 1968, Eff. Sept. 1, 1968.

#### **750.123 Officer omitting duty for reward.**

Sec. 123. A sheriff, coroner, constable, peace officer, or any other officer authorized to serve process or arrest or apprehend offenders against criminal law who shall receive from a defendant or from any other person any money or other valuable thing or any service or promise to pay or give money or to perform or omit to perform any act as a consideration, reward, or inducement, for omitting or delaying to arrest any defendant, or to carry him or her before a magistrate, or for delaying to take any person to prison, or for postponing the sale of any property under an execution, or for omitting or delaying to perform any duty pertaining to his or her office, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00. However, if that defendant is charged with an offense against the criminal laws of this state, an officer convicted under this section may be punished by any fine or by any term of imprisonment or both a fine and imprisonment, within the limits fixed by the statute that the defendant is charged with having violated.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.123;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 21 of Ch. 156 of R.S. 1846, being CL 1857, § 5840; CL 1871, § 7673; How., § 9255; CL 1897, § 11325; CL 1915, § 14992; CL 1929, § 16583; and Act 242 of 1921.

#### **750.124 Bribery of athlete.**

Sec. 124. Any person who corruptly gives, offers or promises to any person engaged in amateur or professional baseball, boxing, wrestling or other competitive athletic pursuits, any gift, gratuity or valuable thing whatever, with intent to influence him to lose or try to lose, or to affect the result in any way of, any contest in which he is participating or expects to participate; or any person engaged in amateur or professional baseball, boxing, wrestling or other competitive athletic pursuits, who corruptly solicits or accepts a gift, gratuity or valuable thing, or a promise to make a gift or to do an act beneficial to himself, under an agreement or with the understanding that he shall lose or try to lose, or to affect the result in any way of, any contest in which he is participating or expects to participate, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1945, Act 160, Imd. Eff. May 16, 1945;—CL 1948, 750.124;—Am. 1951, Act 91, Eff. Sept. 28, 1951.

**Former law:** See section 1 of Act 238 of 1921, being CL 1929, § 17101.

#### **750.125 Giving, offering, or promising commission, gift, or gratuity to agent, employee, or other person with intent to influence action of agent or employee; requesting or accepting commission, gift, or gratuity; using or giving document containing materially false, erroneous, or defective statement; evidence; use of truthful testimony, evidence, or other information against witness in criminal case; violation as misdemeanor.**

Sec. 125. (1) A person shall not give, offer, or promise a commission, gift, or gratuity to an agent, employee, or other person or do or offer to do an act beneficial to an agent, employee, or other person with intent to influence the action of the agent or employee in relation to his or her principal's or employer's business.

(2) An agent or employee shall not request or accept a commission, gift, or gratuity, or a promise of a commission, gift, or gratuity, for the agent, employee, or another person or the doing of an act or offer of an act beneficial to the agent, employee, or another person according to an agreement or understanding between the agent or employee and any other person that the agent or employee shall act in a particular manner in relation to his or her principal's or employer's business.

(3) A person shall not use or give to an agent, employee, or other person, and an agent or employee shall not use, approve, or certify, with intent to deceive the principal or employer, a receipt, account, invoice, or other document concerning which the principal or employer is interested that contains a statement that is

materially false, erroneous, or defective or omits to state fully any commission, money, property, or other valuable thing given or agreed to be given to the agent or employee.

(4) Evidence is not admissible in any proceeding or prosecution under this section to show that a gift or acceptance of a commission, money, property, or other valuable thing described in this section is customary in a business, trade, or calling. The customary nature of a transaction is not a defense in a proceeding or prosecution under this section.

(5) In a proceeding or prosecution under this section, a person shall not be excused from attending and testifying or from producing documentary evidence pursuant to a subpoena on the ground that the testimony or evidence may tend to incriminate him or her or subject him or her to a penalty or forfeiture. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required.

(6) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.125;—Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 1 of Act 210 of 1905, being CL 1915, § 15590; CL 1929, § 17094; and sections 2 to 6 of Act 146 of 1923, being CL 1929, §§ 17095 to 17099.