

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XXIV

CONSPIRACY

750.151 Contracts; conspiracy; penalty.

Sec. 151. All contracts, agreements, understandings, and combinations made, entered into, or knowingly assented to, by and between any parties capable of making a contract or agreement which would be valid at law or in equity, the purpose or object or intent of which shall be to limit, control, or in any manner to restrict or regulate the amount of production or the quantity of any article or commodity to be raised, or produced by mining, manufacture, agriculture, or any other branch of business or labor, or to enhance, control or regulate the market price thereof, or in any manner to prevent or restrict free competition in the production or sale of any such article or commodity, shall be illegal and void, and every such contract, agreement, understanding, and combination shall constitute a criminal conspiracy. And every person who, for himself or herself personally, or as a member, or in the name of a partnership, or as a member, agent, or officer of a corporation, or of any association for business purposes of any kind, who shall enter into or knowingly consent to any such void and illegal contract, agreement, understanding, or combination, shall be deemed a party to such conspiracy.

All parties so offending shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 6 months or a fine of not more than \$750.00. And the prosecution for offenses under this section may be instituted and the trial had in any county where any of the conspirators become parties to such conspiracy, or in which any 1 of the conspirators shall reside. This section shall in no manner invalidate or affect contracts for what is known and recognized as common law and in equity as contracts for the "good will of a trade or business"; but all such contracts shall be left to stand upon the same terms and within the same limitations recognized at common law and in equity.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.1;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Act 225 of 1889, being How., § 9354j; CL 1897, § 11377; CL 1915, § 15095; and CL 1929, § 16674.

750.152 Illegal contracts.

Sec. 152. Certain contracts illegal wherever made—Every contract, agreement, understanding, and combination declared void and illegal by the first section of this chapter shall be equally void and illegal within this state, whether made and entered into within or without the state.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.152.

Former law: See section 2 of Act 225 of 1889, being How., § 9354k; CL 1897, § 11378; CL 1915, § 15096; and CL 1929, § 16675.

750.153 Illegal contracts; carrying into effect.

Sec. 153. The carrying into effect, in whole or in part, of any such illegal contract, agreement, understanding, or combination as mentioned in the first section of this chapter and every act that shall be done for that purpose by any of the parties or through their agency or the agency of any 1 of them, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.153;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 3 of Act 225 of 1889, being How., § 9354l; CL 1897, § 11379; CL 1915, § 15097; and CL 1929, § 16676.

750.154 Violation by corporation forfeits charter.

Sec. 154. Violation by corporation forfeits charter—Any corporation now or hereafter organized under the laws of this state, which shall enter into any contract, agreement, understanding or combination declared illegal and criminal by the first section of this chapter, or shall do any act towards or for the purpose of carrying the same into effect in whole or in part, and which shall not within 30 days from the time when this chapter shall take effect, withdraw its assent thereto and repudiate the same and file in the office of the secretary of state such refusal and repudiation under its corporate seal, shall forfeit its charter and all its rights and franchises thereunder.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.154.

Former law: See section 4 of Act 225 of 1889, being How., § 9354m; CL 1897, § 11380; CL 1915, § 15098; and CL 1929, § 16677.

750.155 Violation by corporation forfeits charter; quo warranto.

Sec. 155. Quo warranto against offending corporations—It shall be the duty of the attorney general upon his own relation, or upon the relation of any private person, whenever he shall have good reasons to believe

that the same can be established by proof, to file an information in the nature of a quo warranto against any corporation offending against any of the provisions of this chapter; and thereupon the same proceedings shall be had as provided by chapter 38 of Act No. 314 of the Public Acts of 1915, being sections 15271 to 15300 inclusive of the Compiled Laws of 1929, relating to proceedings by information in the nature of quo warranto, against corporations offending against any of the provisions of the act or acts creating, altering or renewing such corporations, and in other cases.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.155.

Compiler's note: Act 314 of 1915, referred to in this section, was repealed by Act 236 of 1961. See now MCL 600.101 et seq.

Former law: See section 5 of Act 225 of 1889, being How., § 9354n; CL 1897, § 11381; CL 1915, § 15099; and CL 1929, § 16678.

750.156 Chapter inapplicable to agricultural products or livestock under certain conditions; chapter inapplicable to conspiracy committed under chapter LXVIIA.

Sec. 156. (1) This chapter does not apply to agricultural products or livestock while in the hands of the producer or raiser or to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members.

(2) This chapter does not apply to conspiracy committed under chapter LXVIIA.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.156;—Am. 2014, Act 329, Eff. Jan. 14, 2015.

Former law: See section 6 of Act 225 of 1889, being How., § 9354o; CL 1897, § 11382; CL 1915, § 15100; CL 1929, § 16679.

750.157 Providing incriminating testimony or evidence; use of truthful testimony, evidence, or other information against witness in criminal case.

Sec. 157. A person shall not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate upon an investigation, proceeding, or trial for a violation of this chapter on the ground that the testimony or evidence may tend to degrade or incriminate the person. 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.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.157;—Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999.

750.157a Conspiracy to commit offense or legal act in illegal manner; penalty.

Sec. 157a. Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime of conspiracy punishable as provided herein:

(a) Except as provided in paragraphs (b), (c) and (d) if commission of the offense prohibited by law is punishable by imprisonment for 1 year or more, the person convicted under this section shall be punished by a penalty equal to that which could be imposed if he had been convicted of committing the crime he conspired to commit and in the discretion of the court an additional penalty of a fine of \$10,000.00 may be imposed.

(b) Any person convicted of conspiring to violate any provision of this act relative to illegal gambling or wagering or any other acts or ordinances relative to illegal gambling or wagering shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$10,000.00, or both such fine and imprisonment.

(c) If commission of the offense prohibited by law is punishable by imprisonment for less than 1 year, except as provided in paragraph (b), the person convicted under this section shall be imprisoned for not more than 1 year nor fined more than \$1,000.00, or both such fine and imprisonment.

(d) Any person convicted of conspiring to commit a legal act in an illegal manner shall be punished by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$10,000.00, or both such fine and imprisonment in the discretion of the court.

History: Add. 1966, Act 296, Eff. Mar. 10, 1967.

Constitutionality: A mandatory life sentence imposed for conspiracy to commit first-degree murder, even if nonparolable, is not so excessive as to constitute cruel and unusual punishment; nor does it violate the Equal Protection Clauses of the Michigan and United States Constitutions. People v Fernandez, 427 Mich 321; 398 NW2d 311 (1986).

750.157b Solicitation to commit murder or felony; penalty; affirmative defense.

Sec. 157b. (1) For purposes of this section, "solicit" means to offer to give, promise to give, or give any money, services, or anything of value, or to forgive or promise to forgive a debt or obligation.

(2) A person who solicits another person to commit murder, or who solicits another person to do or omit to do an act which if completed would constitute murder, is guilty of a felony punishable by imprisonment for

life or any term of years.

(3) Except as provided in subsection (2), a person who solicits another person to commit a felony, or who solicits another person to do or omit to do an act which if completed would constitute a felony, is punishable as follows:

(a) If the offense solicited is a felony punishable by imprisonment for life, or for 5 years or more, the person is guilty of a felony punishable by imprisonment for not more than 5 years or by a fine not to exceed \$5,000.00, or both.

(b) If the offense solicited is a felony punishable by imprisonment for a term less than 5 years or by a fine, the person is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or by a fine not to exceed \$1,000.00, or both, except that a term of imprisonment shall not exceed 1/2 of the maximum imprisonment which can be imposed if the offense solicited is committed.

(4) It is an affirmative defense to a prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his or her criminal purpose, the actor notified the person solicited of his or her renunciation and either gave timely warning and cooperation to appropriate law enforcement authorities or otherwise made a substantial effort to prevent the performance of the criminal conduct commanded or solicited, provided that conduct does not occur. The defendant shall establish by a preponderance of the evidence the affirmative defense under this subsection.

History: Add. 1968, Act 308, Eff. July 1, 1968;—Am. 1986, Act 124, Eff. July 1, 1986.

Constitutionality: Successive prosecutions for obstruction of justice under federal law, and inducing murder under MCL 750.157b, arising out of the same criminal act do not violate the guarantee against double jeopardy in the Michigan Constitution. People v. Formicola, 407 Mich 293; 284 NW2d 334 (1979).

750.157c Recruiting, inducing, soliciting, or coercing minor to commit felony.

Sec. 157c. A person 17 years of age or older who recruits, induces, solicits, or coerces a minor less than 17 years of age to commit or attempt to commit an act that would be a felony if committed by an adult is guilty of a felony and shall be punished by imprisonment for not more than the maximum term of imprisonment authorized by law for that act. The person may also be punished by a fine of not more than 3 times the amount of the fine authorized by law for that act.

History: Add. 1988, Act 27, Eff. June 1, 1988.