

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XXVIII

DISORDERLY PERSONS

**750.167 Disorderly person; subsequent violations by person convicted of refusing or neglecting to support family; breastfeeding or expressing breast milk exempt.**

Sec. 167. (1) A person is a disorderly person if the person is any of the following:

- (a) A person of sufficient ability who refuses or neglects to support his or her family.
- (b) A common prostitute.
- (c) A window peeper.
- (d) A person who engages in an illegal occupation or business.
- (e) A person who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or is acting in a manner that causes a public disturbance.
- (f) A person who is engaged in indecent or obscene conduct in a public place.
- (g) A vagrant.
- (h) A person found begging in a public place.
- (i) A person found loitering in a house of ill fame or prostitution or place where prostitution or lewdness is practiced, encouraged, or allowed.
- (j) A person who knowingly loiters in or about a place where an illegal occupation or business is being conducted.
- (k) A person who loiters in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances.
- (l) A person who is found jostling or roughly crowding people unnecessarily in a public place.

(2) If a person who has been convicted of refusing or neglecting to support his or her family under this section is charged with subsequent violations within a period of 2 years, that person shall be prosecuted as a second offender or third and subsequent offender as provided in section 168, if the family of that person is then receiving public relief or support.

(3) A mother's breastfeeding of a child or expressing breast milk does not constitute indecent or obscene conduct under subsection (1) regardless of whether or not her areola or nipple is visible during or incidental to the breastfeeding or expressing of breast milk.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1939, Act 84, Eff. Sept. 29, 1939;—CL 1948, 750.167;—Am. 1956, Act 110, Eff. Aug. 11, 1956;—Am. 1964, Act 144, Eff. Aug. 28, 1964;—Am. 1969, Act 328, Eff. Mar. 20, 1970;—Am. 1974, Act 340, Eff. Jan. 1, 1977;—Am. 1977, Act 109, Eff. Jan. 15, 1978;—Am. 2014, Act 199, Imd. Eff. June 24, 2014.

**Former law:** See section 1 of Act 264 of 1889, being How., § 1997a; CL 1897, § 5923; CL 1915, § 7774; CL 1929, § 9090; and Act 35 of 1927.

**750.167a Person hunting with firearms while drunk or intoxicated; confiscation and disposition of weapons; application for or possession of hunting license for period of 3 years prohibited.**

Sec. 167a. Any person who shall be drunk or intoxicated while hunting with a firearm or other weapon under a valid hunting license shall be deemed to be a disorderly person. Upon conviction of such person, the weapon shall be confiscated and shall be delivered to the department of natural resources for disposition in the same manner as weapons confiscated for other violations of the game laws. Upon conviction under this section, the person so convicted, in addition to any punishment imposed pursuant to section 168, and as a part of any sentence imposed, shall be forbidden to apply for or possess a hunting license for a period of 3 years following the date of conviction. A violation of the conditions of such sentence shall be deemed to be a misdemeanor.

**History:** Add. 1952, Act 30, Eff. Sept. 18, 1952;—Am. 1987, Act 148, Imd. Eff. Oct. 26, 1987.

**Compiler's note:** For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

**750.167b Bondsman in criminal cases; procurement of attorney; maximum charge for bond; dismissal of charge; list of bondsmen; posting; compilation; record; violation; penalty.**

Sec. 167b. (1) No person engaged, either as principal or as the clerk, agent or representative of another, in

the business of becoming surety upon bonds for compensation in any criminal case, either directly or indirectly, shall give, donate, lend or contribute, or promise to give, donate, lend or contribute, any money or property to any attorney at law, police officer, sheriff, jailer, probation officer, clerk or other attache of any criminal court, or public official or employee, for procuring, or assisting in procuring, any person to employ the bondsman to execute as surety any bond for compensation in any criminal case. No attorney at law, police officer, sheriff, jailer, probation officer, clerk or other attache of any criminal court, or public official or employee of any character, shall accept or receive from any person engaged in the bonding business any money or property for procuring, or assisting in procuring, any person to employ any bondsman to execute as surety any bond for compensation in any criminal case.

(2) No person engaged, either as principal or as the clerk, agent or representative of another, in the business of becoming surety upon bonds for compensation in any criminal case, either directly or indirectly, shall procure, suggest, aid in the procurement of or cause in any way whatsoever the obtaining or employing of any attorney at law for any person in a criminal case.

(3) It shall be lawful to charge for executing any bond in a criminal case, but no person engaged in the bonding business, either as principal or clerk, agent or representative of another, either directly or indirectly, shall charge, accept or receive any sum of money or property, other than the regular prevailing fee for bonding, which shall not exceed 10% of the face value of the bond for a 12 month period or any part thereof, from any person for whom he has executed bond, for any other service whatever performed in connection with any indictment, information or charge upon which the person is bailed or held. No person engaged, either as principal or as the clerk, agent or representative of another, in the bonding business shall settle or attempt to settle, or shall procure or attempt to procure, the dismissal of any indictment, information or charge against any person in custody or held upon bond with any court or with the prosecuting attorney in any court.

(4) A typewritten or printed list, alphabetically arranged, of all persons engaged in the business of becoming surety upon bonds for compensation in criminal cases within the county shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock and house of detention and in every other place in which persons in custody of the law are detained, and 1 or more copies thereof shall be kept on hand. The list shall be compiled annually by the judges of the circuit court of each circuit, and the names of persons engaged in the business of becoming surety upon bonds for compensation shall be added to the list by the judges upon proper application. When any person who is detained in custody in any such place of detention requests any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, the list shall be furnished to the person so requesting, without recommendation, and the person in charge of the place of detention within a reasonable time shall put the person detained in communication with the bondsman selected and, contemporaneously with the transaction, make in the blotter or book of record kept in any place of detention a record showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.

(5) Any person violating any provision of this section shall be punished as provided in section 168.

**History:** Add. 1963, Act 169, Eff. Sept. 6, 1963.

#### **750.167c Report of conviction for hunting while intoxicated; circulating list of convictions; violation by licensing agent.**

Sec. 167c. A court imposing a sentence under section 167a shall report the conviction to the department of natural resources upon forms furnished by the department. The department shall circulate a list of the convictions to each of its agents authorized to issue hunting licenses. An agent shall not knowingly issue a hunting license to an applicant whose name is on the departmental list for the period of time prescribed under section 167a. A violation of this section by the licensing agent may be grounds for suspension or revocation of the licensing agency by the department.

**History:** Add. 1972, Act 91, Imd. Eff. Mar. 20, 1972.

**Compiler's note:** For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.

#### **750.167d Funeral, memorial service, or viewing; funeral procession; burial; prohibited conduct; violation; penalty.**

Sec. 167d. (1) A person shall not do any of the following within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person is being conducted or within 500 feet of a

funeral procession or burial:

(a) Make any statement or gesture or engage in any conduct that would make a reasonable person attending that funeral, memorial service, viewing, procession, or burial under the circumstances feel intimidated, threatened, or harassed.

(b) Make any statement or gesture or engage in any conduct intended to incite or produce a breach of the peace among those attending that funeral, memorial service, viewing, or burial or traveling in that procession and that causes a breach of the peace among those attending that funeral, memorial service, viewing, or burial or traveling in that procession.

(c) Make any statement or gesture or engage in any conduct intended to disrupt the funeral, memorial service, viewing, procession, or burial and that disrupts the funeral, memorial service, viewing, procession, or burial.

(2) A person who violates this section is a disorderly person and is guilty of a felony punishable as provided under section 168.

**History:** Add. 2006, Act 148, Eff. Aug. 22, 2006;—Am. 2012, Act 5, Imd. Eff. Feb. 14, 2012.

### **750.168 Disorderly person; penalty.**

Sec. 168. (1) Except as provided in subsection (2), a person convicted of being a disorderly person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(2) A person convicted of being a disorderly person under section 167d is guilty of a felony punishable as follows:

(a) Except as provided in subdivision (b), by imprisonment for not more than 2 years or a fine of not more than \$5,000.00, or both.

(b) If the person was previously convicted of violating section 167d, by imprisonment for not more than 4 years or a fine of not more than \$10,000.00, or both.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.168;—Am. 1965, Act 320, Eff. Mar. 31, 1966;—Am. 2006, Act 150, Eff. Aug. 22, 2006.

**Former law:** See section 2 of Act 264 of 1889, being How., § 1997a-1; CL 1897, § 5924; CL 1915, § 7775; CL 1929, § 9091; Act 190 of 1895; Act 82 of 1909; and Act 35 of 1927.