



# HOUSE BILL No. 5928

June 21, 2000, Introduced by Reps. Howell, Patterson, Julian, Richardville, Woronchak, Bisbee, Kowall, Faunce, Cameron Brown, Rocca, Green, Mortimer, Caul and Richner and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 483a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 SEC. 483A. (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

2 (A) WILLFULLY IMPEDE, INTERFERE WITH, OR OBSTRUCT OR ATTEMPT  
3 TO IMPEDE, INTERFERE WITH, OR OBSTRUCT THE ORDERLY ADMINISTRATION  
4 OF JUSTICE.

5 (B) WITHHOLD OR UNREASONABLY DELAY PRODUCING ANY TESTIMONY,  
6 INFORMATION, DOCUMENT, OR THING AFTER THE COURT HAS ORDERED IT TO  
7 BE PRODUCED.

8 (C) PREVENT OR ATTEMPT TO PREVENT ANOTHER PERSON FROM  
9 REPORTING A CRIME COMMITTED OR ATTEMPTED BY ANOTHER PERSON OR  
10 RETALIATE OR ATTEMPT TO RETALIATE AGAINST ANOTHER PERSON FOR  
11 REPORTING OR ATTEMPTING TO REPORT A CRIME COMMITTED OR ATTEMPTED

1 BY ANOTHER PERSON. AS USED IN THIS SUBSECTION, "RETALIATE" MEANS  
2 TO DO ANY OF THE FOLLOWING:

3 (i) COMMIT OR ATTEMPT TO COMMIT A CRIME AGAINST ANY PERSON.

4 (ii) THREATEN TO KILL OR INJURE ANY PERSON OR THREATEN TO  
5 CAUSE PROPERTY DAMAGE.

6 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A  
7 CRIME AS FOLLOWS:

8 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS  
9 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
10 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

11 (B) IF THE VIOLATION INVOLVES A THREAT TO KILL OR INJURE ANY  
12 PERSON OR TO CAUSE PROPERTY DAMAGE, THE PERSON IS GUILTY OF A  
13 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A  
14 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

15 (3) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

16 (A) WILLFULLY IMPEDE, INTERFERE WITH, PREVENT, OR OBSTRUCT  
17 OR ATTEMPT TO WILLFULLY IMPEDE, INTERFERE WITH, PREVENT, OR  
18 OBSTRUCT THE ABILITY OF A WITNESS TO ATTEND, TESTIFY, OR PROVIDE  
19 INFORMATION IN OR FOR AN OFFICIAL PROCEEDING.

20 (B) KNOWINGLY AND INTENTIONALLY REMOVE, ALTER, CONCEAL,  
21 DESTROY, OR OTHERWISE TAMPER WITH EVIDENCE TO BE OFFERED IN AN  
22 OFFICIAL PROCEEDING.

23 (C) OFFER EVIDENCE AT AN OFFICIAL PROCEEDING THAT HE OR SHE  
24 KNOWS OR HAS REASON TO KNOW IS FALSE.

25 (4) A PERSON WHO VIOLATES SUBSECTION (3) IS GUILTY OF A  
26 CRIME AS FOLLOWS:

1 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE PERSON IS  
2 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4  
3 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

4 (B) IF THE VIOLATION IS COMMITTED IN A CRIMINAL CASE FOR  
5 WHICH THE MAXIMUM TERM OF IMPRISONMENT FOR THE VIOLATION IS MORE  
6 THAN 10 YEARS, OR THE VIOLATION IS PUNISHABLE BY IMPRISONMENT FOR  
7 LIFE OR ANY TERM OF YEARS, THE PERSON IS GUILTY OF A FELONY PUN-  
8 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS.

9 (5) SUBSECTIONS (1) AND (3)(A) DO NOT APPLY TO A PERSON  
10 WHOSE CONDUCT IS PERMITTED BY A STATUTORY PRIVILEGE.

11 (6) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING  
12 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION  
13 OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF  
14 THIS SECTION.

15 (7) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR A  
16 VIOLATION OF SUBSECTION (1), OR A VIOLATION OF SUBSECTION (3)  
17 PUNISHABLE UNDER SUBSECTION (4)(B), TO BE SERVED CONSECUTIVELY TO  
18 A TERM OF IMPRISONMENT IMPOSED FOR ANY OTHER VIOLATION OF LAW  
19 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS  
20 SECTION.

21 (8) AS USED IN THIS SECTION, "OFFICIAL PROCEEDING" MEANS A  
22 PROCEEDING HEARD BEFORE A LEGISLATIVE, JUDICIAL, ADMINISTRATIVE,  
23 OR OTHER GOVERNMENTAL AGENCY OR OFFICIAL AUTHORIZED TO HEAR EVI-  
24 DENCE UNDER OATH, INCLUDING A REFEREE, PROSECUTING ATTORNEY,  
25 HEARING EXAMINER, COMMISSIONER, NOTARY, OR OTHER PERSON TAKING  
26 TESTIMONY OR DEPOSITION IN THAT PROCEEDING.

1 Enacting section 1. This amendatory act takes effect  
2 January 1, 2001.

3 Enacting section 2. This amendatory act does not take  
4 effect unless all of the following bills of the 90th Legislature  
5 are enacted into law:

6 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5930 (request  
7 no. 02410'99 \*).

8 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5925 (request  
9 no. 06198'00).

10 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5932 (request  
11 no. 06592'00).