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**SFA****BILL ANALYSIS**

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Senate Bill 258 (as introduced 3-5-03)  
Sponsor: Senator Alan L. Cropsey  
Committee: Judiciary

Date Completed: 3-10-03

### **CONTENT**

**The bill would amend the Michigan Penal Code to make an exception to the standard penalty for juror intimidation if the intimidation involved a crime punishable by over 10 years imprisonment or if it involved committing or attempting to commit a crime or threat.**

The Code prohibits willfully attempting to influence the decision of a juror by intimidation, other than as part of the proceedings in open court in the trial of the case. Juror intimidation is a felony punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both, unless the intimidation is committed in a criminal case for which the maximum term of imprisonment is more than 10 years or the violation is punishable by imprisonment for life or any term of years. In that event, juror intimidation is punishable by up to 10 years' imprisonment and/or a maximum fine of \$20,000.

The Code also provides that, if juror intimidation involves committing or attempting to commit a crime or a threat to kill or injure any person, or to cause property damage, the violation is a felony punishable by up to 15 years' imprisonment and/or a maximum fine of \$25,000. The bill would make another exception to the standard four-year and \$5,000 maximum penalty for this type of violation.

MCL 750.120a

### **BACKGROUND**

Public Act 450 of 2000 (House Bill 5925) amended the Michigan Penal Code to revise the penalties for intimidating a juror. Previously, the offense was a misdemeanor with no specified penalty. (At the time, a misdemeanor with no other specified penalty was punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.)

Public Act 450 of 2000 made the offense a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000. The Act also added the separate penalties (described above) for 1) intimidation committed in certain criminal cases, and 2) intimidation involved in committing or attempting to commit a crime or threat.

As amended by Public Act 450, the Code now sets the standard \$5,000/four-year maximum penalty for intimidation, *except* as otherwise provided for intimidation committed in certain criminal cases. The Code does not, however, expressly make an exception to the standard penalty for intimidation involved in committing or attempting to commit a crime or threat.

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bethany Wicksall