

Act No. 280
Public Acts of 2003
Approved by the Governor
January 8, 2004
Filed with the Secretary of State
January 8, 2004
EFFECTIVE DATE: January 8, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Senator Cropsey

ENROLLED SENATE BILL No. 258

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 120a (MCL 750.120a), as amended by 2000 PA 450.

The People of the State of Michigan enact:

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.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor