

SUBSTITUTE FOR
HOUSE BILL NO. 5050

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 479c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 479C. (1) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON
2 WHO IS INFORMED BY A PEACE OFFICER THAT HE OR SHE IS CONDUCTING A
3 CRIMINAL INVESTIGATION SHALL NOT DO ANY OF THE FOLLOWING:

4 (A) BY ANY TRICK, SCHEME, OR DEVICE, KNOWINGLY AND WILLFULLY
5 CONCEAL FROM THE PEACE OFFICER ANY MATERIAL FACT RELATING TO THE
6 CRIMINAL INVESTIGATION.

7 (B) KNOWINGLY AND WILLFULLY MAKE ANY STATEMENT TO THE PEACE
8 OFFICER THAT THE PERSON KNOWS IS FALSE OR MISLEADING REGARDING A
9 MATERIAL FACT IN THAT CRIMINAL INVESTIGATION.

1 (C) KNOWINGLY AND WILLFULLY ISSUE OR OTHERWISE PROVIDE ANY
2 WRITING OR DOCUMENT TO THE PEACE OFFICER THAT THE PERSON KNOWS IS
3 FALSE OR MISLEADING REGARDING A MATERIAL FACT IN THAT CRIMINAL
4 INVESTIGATION.

5 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
6 FOLLOWS:

7 (A) IF THE CRIME BEING INVESTIGATED IS A SERIOUS MISDEMEANOR,
8 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
9 FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00.

10 (B) IF THE CRIME BEING INVESTIGATED IS A MISDEMEANOR
11 PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR OR IS A FELONY
12 PUNISHABLE BY IMPRISONMENT FOR LESS THAN 4 YEARS, THE PERSON IS
13 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
14 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

15 (C) IF THE CRIME BEING INVESTIGATED IS A FELONY PUNISHABLE BY
16 IMPRISONMENT FOR 4 YEARS OR MORE, THE PERSON IS GUILTY OF A
17 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR
18 A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

19 (3) THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

20 (A) ANY STATEMENT MADE OR ACTION TAKEN BY AN ALLEGED VICTIM OF
21 THE CRIME BEING INVESTIGATED BY THE PEACE OFFICER.

22 (B) A PERSON WHO WAS ACTING UNDER DURESS OR OUT OF A
23 REASONABLE FEAR OF PHYSICAL HARM TO HIMSELF OR HERSELF OR ANOTHER
24 PERSON FROM A SPOUSE OR FORMER SPOUSE, A PERSON WITH WHOM HE OR SHE
25 HAS OR HAS HAD A DATING RELATIONSHIP, A PERSON WITH WHOM HE OR SHE
26 HAS HAD A CHILD IN COMMON, OR A RESIDENT OR FORMER RESIDENT OF HIS
27 OR HER HOUSEHOLD.

1 (4) THIS SECTION DOES NOT PROHIBIT A PERSON FROM DOING EITHER
2 OF THE FOLLOWING:

3 (A) INVOKING THE PERSON'S RIGHTS UNDER THE FIFTH AMENDMENT OF
4 THE CONSTITUTION OF THE UNITED STATES OR SECTION 17 OF ARTICLE I OF
5 THE STATE CONSTITUTION OF 1963.

6 (B) DECLINING TO SPEAK TO OR OTHERWISE COMMUNICATE WITH A
7 PEACE OFFICER CONCERNING THE CRIMINAL INVESTIGATION.

8 (5) AS USED IN THIS SECTION:

9 (A) "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE
10 ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF
11 AFFECTIONAL INVOLVEMENT. THIS TERM DOES NOT INCLUDE A CASUAL
12 RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 PERSONS IN A
13 BUSINESS OR SOCIAL CONTEXT.

14 (B) "PEACE OFFICER" MEANS ANY OF THE FOLLOWING:

15 (i) A SHERIFF OR DEPUTY SHERIFF OF A COUNTY OF THIS STATE.

16 (ii) AN OFFICER OF THE POLICE DEPARTMENT OF A CITY, VILLAGE, OR
17 TOWNSHIP OF THIS STATE.

18 (iii) A MARSHAL OF A CITY, VILLAGE, OR TOWNSHIP OF THIS STATE.

19 (iv) A CONSTABLE OF ANY LOCAL UNIT OF GOVERNMENT OF THIS STATE.

20 (v) AN OFFICER OF THE MICHIGAN STATE POLICE.

21 (vi) A CONSERVATION OFFICER OF THIS STATE.

22 (vii) A SECURITY EMPLOYEE EMPLOYED BY THE STATE UNDER SECTION
23 6C OF 1935 PA 59, MCL 28.6C.

24 (viii) A MOTOR CARRIER OFFICER APPOINTED UNDER SECTION 6D OF
25 1935 PA 59, MCL 28.6D.

26 (ix) A POLICE OFFICER OR PUBLIC SAFETY OFFICER OF A COMMUNITY
27 COLLEGE, COLLEGE, OR UNIVERSITY WITHIN THIS STATE WHO IS AUTHORIZED

1 BY THE GOVERNING BOARD OF THAT COMMUNITY COLLEGE, COLLEGE, OR
2 UNIVERSITY TO ENFORCE STATE LAW AND THE RULES AND ORDINANCES OF
3 THAT COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY.

4 (x) A PARK AND RECREATION OFFICER COMMISSIONED UNDER SECTION
5 1606 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
6 1994 PA 451, MCL 324.1606.

7 (xi) A STATE FOREST OFFICER COMMISSIONED UNDER SECTION 83107 OF
8 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
9 451, MCL 324.83107.

10 (xii) AN INVESTIGATOR OF THE STATE DEPARTMENT OF ATTORNEY
11 GENERAL.

12 (C) "SERIOUS MISDEMEANOR" MEANS THAT TERM AS DEFINED IN
13 SECTION 61 OF THE WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS
14 ACT, 1985 PA 87, MCL 780.811.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date this amendatory act is enacted into law.