

SENATE BILL No. 943

February 14, 2012, Introduced by Senators BOOHER, HOPGOOD, HUNTER, JONES, MARLEAU, WALKER, HANSEN and KOWALL and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 484.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 484. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON
2 SHALL NOT KNOWINGLY AND WILLFULLY DELIVER OR CONVEY, DIRECTLY OR
3 INDIRECTLY, TO A PUBLIC OFFICIAL OR A MEMBER OF HIS OR HER
4 IMMEDIATE FAMILY BY ANY MEANS A COMMUNICATION CONTAINING A THREAT
5 WITH THE INTENT TO IMPEDE, INTIMIDATE, OR INTERFERE WITH THE PUBLIC
6 OFFICIAL WHILE ENGAGED IN THE PERFORMANCE OF OFFICIAL DUTIES OF HIS
7 OR HER PUBLIC OFFICE OR WITH THE INTENT TO RETALIATE AGAINST THE
8 PUBLIC OFFICIAL ON ACCOUNT OF THE PERFORMANCE OF OFFICIAL DUTIES OF
9 HIS OR HER PUBLIC OFFICE.

10 (2) SUBSECTION (1) DOES NOT APPLY UNLESS THE THREAT CONTAINS
11 SPECIFIC FACTS INDICATIVE OF A UNIQUE THREAT TO THE PERSON OR

1 IMMEDIATE FAMILY OF THE OFFICER, RATHER THAN A GENERAL THREAT OF
2 HARM.

3 (3) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A CRIME
4 AS FOLLOWS:

5 (A) IF THE VIOLATION IS A FIRST OFFENSE, THE PERSON IS GUILTY
6 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1
7 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

8 (B) IF THE VIOLATION IS A SECOND OR SUBSEQUENT OFFENSE, THE
9 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
10 MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

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

14 (5) AS USED IN THIS SECTION:

15 (A) "IMMEDIATE FAMILY" MEANS A PUBLIC OFFICIAL'S SPOUSE,
16 PARENT, SIBLING, CHILD, GRANDCHILD, ANOTHER PERSON TO WHOM THE
17 PUBLIC OFFICIAL STANDS IN LOCO PARENTIS, OR ANY OTHER INDIVIDUAL
18 LIVING IN THE PUBLIC OFFICIAL'S HOUSEHOLD AND RELATED TO HIM OR HER
19 BY BLOOD OR MARRIAGE.

20 (B) "PUBLIC OFFICIAL" MEANS ANY OF THE FOLLOWING:

21 (i) THE GOVERNOR, LIEUTENANT GOVERNOR, SECRETARY OF STATE, AND
22 ATTORNEY GENERAL.

23 (ii) THE APPOINTED DIRECTOR OF A STATE EXECUTIVE BRANCH
24 PRINCIPAL DEPARTMENT.

25 (iii) A MEMBER OF THE LEGISLATURE OF THIS STATE.

26 (iv) A JUSTICE OR JUDGE OF THE JUDICIARY OF THIS STATE.

27 (v) A PERSON WHO WAS ELECTED TO AN OFFICE LISTED IN

1 SUBPARAGRAPH (i), (iii), OR (iv) AND WHO IS NOT YET SERVING IN THE
2 OFFICE TO WHICH HE OR SHE WAS ELECTED.

3 (C) "THREAT" MEANS ANY FORM OF COMMUNICATION THAT WOULD PLACE
4 THE PUBLIC OFFICIAL OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY IN
5 REASONABLE APPREHENSION OF IMMEDIATE OR FUTURE BODILY HARM.

6 Enacting section 1. This amendatory act shall be known and may
7 be cited as the state officers intimidation act.