

SENATE BILL NO. 1095

November 13, 2024, Introduced by Senators SANTANA, CHANG, ANTHONY, GEISS, MCMORROW, CAMILLERI, BAYER and IRWIN and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 483a (MCL 750.483a), as amended by 2023 PA 49.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 483a. (1) A person shall not do any of the following:

2 (a) Withhold or refuse to produce any testimony, information,
3 document, or thing after the court has ordered it to be produced
4 following a hearing.

5 (b) Prevent or attempt to prevent through the unlawful use of

1 physical force another person from reporting a crime committed or
2 attempted by another person.

3 (c) Intentionally use the person's professional position of
4 authority over another person to prevent or attempt to prevent the
5 other person from reporting a crime ~~listed in~~**under** section 136b,
6 520b, 520c, 520d, 520e, or 520g, that is committed or attempted by
7 another person.

8 (d) Retaliate or attempt to retaliate against another person
9 for having reported or ~~attempted~~**attempting** to report a crime
10 committed or attempted by another person. As used in this
11 subdivision, "retaliate" means to do any of the following:

12 (i) Commit or attempt to commit a crime against any person.

13 (ii) Threaten to kill or injure any person or threaten to cause
14 property damage.

15 (2) A person who violates subsection (1) is guilty of a crime
16 as follows:

17 (a) Except as provided in subdivision (b), the person is
18 guilty of a misdemeanor punishable by imprisonment for not more
19 than 1 year or a fine of not more than \$1,000.00, or both.

20 (b) If the violation involves committing or attempting to
21 commit a crime or a threat to kill or injure any person or to cause
22 property damage, the person is guilty of a felony punishable by
23 imprisonment for not more than 10 years or a fine of not more than
24 \$20,000.00, or both.

25 (3) A person shall not do ~~any~~**either** of the following:

26 (a) Give, offer to give, or promise anything of value to any
27 person to influence a person's statement to a police officer
28 conducting a lawful investigation of a crime or the presentation of
29 evidence to a police officer conducting a lawful investigation of a

1 crime.

2 (b) Threaten or intimidate any person to influence a person's
3 statement to a police officer conducting a lawful investigation of
4 a crime or the presentation of evidence to a police officer
5 conducting a lawful investigation of a crime.

6 (4) A person who violates subsection (3) is guilty of a crime
7 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 \$1,000.00, or both.

11 (b) If the violation involves committing or attempting to
12 commit a crime or a threat to kill or injure any person or to cause
13 property damage, the person is guilty of a felony punishable by
14 imprisonment for not more than 10 years or a fine of not more than
15 \$20,000.00, or both.

16 (5) A person shall not do any of the following:

17 (a) Knowingly and intentionally remove, alter, conceal,
18 destroy, or otherwise tamper with evidence, **including, but not**
19 **limited to, a digital image or video or audio recording from a**
20 **body-worn camera used for law enforcement purposes**, to be offered
21 in a present or future official proceeding.

22 (b) Offer evidence at an official proceeding that the person
23 recklessly disregards as false.

24 (c) **Knowingly and intentionally fail to activate a body-worn**
25 **camera used for law enforcement purposes and the failure interferes**
26 **with a present or future official proceeding or an internal law**
27 **enforcement investigation.**

28 (d) **Knowingly and intentionally deactivate a body-worn camera**
29 **used for law enforcement purposes while using excessive force.**

1 (6) A person who violates subsection ~~(5)~~ **(5) (a) or (b)** is
2 guilty of a crime as follows:

3 (a) Except as provided in subdivision (b), the person is
4 guilty of a felony punishable by imprisonment for not more than 4
5 years or a fine of not more than \$5,000.00, or both.

6 (b) If the violation is committed in a criminal case for which
7 the maximum term of imprisonment for the violation is more than 10
8 years, or the violation is punishable by imprisonment for life or
9 any term of years, the person is guilty of a felony punishable by
10 imprisonment for not more than 10 years or a fine of not more than
11 \$20,000.00, or both.

12 **(7) A person who violates subsection (5) (c) is guilty of a**
13 **misdemeanor punishable by imprisonment for not more than 90 days or**
14 **a fine of not more than \$500.00, or both.**

15 **(8) A person who violates subsection (5) (d) is guilty of a**
16 **felony punishable by imprisonment for not more than 2 years or a**
17 **fine of not more than \$1,000.00, or both.**

18 **(9)** ~~(7)~~—It is an affirmative defense under subsection (3), for
19 which the defendant has the burden of proof by a preponderance of
20 the evidence, that the conduct consisted solely of lawful conduct
21 and that the defendant's sole intention was to encourage, induce,
22 or cause the other person to provide a statement or evidence
23 truthfully.

24 **(10)** ~~(8)~~—Subsections (1) (a), (3) (b), and (5) (b) do not apply
25 to any of the following:

26 (a) The lawful conduct of an attorney in the performance of
27 the attorney's duties, such as advising a client.

28 (b) The lawful conduct or communications of a person as
29 permitted by statute or other lawful privilege.

1 **(11)** ~~(9)~~—This section does not prohibit a person from being
2 charged with, convicted of, or punished for any other violation of
3 law arising out of the same transaction as the violation of this
4 section.

5 **(12)** ~~(10)~~—The court may order a term of imprisonment imposed
6 for a violation of this section to be served consecutively to a
7 term of imprisonment imposed for any other crime including any
8 other violation of law arising out of the same transaction as the
9 violation of this section.

10 **(13)** ~~(11)~~—As used in this section:

11 (a) "Official proceeding" means a proceeding heard before a
12 legislative, judicial, administrative, or other governmental agency
13 or official authorized to hear evidence under oath, including a
14 referee, prosecuting attorney, hearing examiner, commissioner,
15 notary, or other person taking testimony or deposition in that
16 proceeding.

17 (b) "Threaten or intimidate" does not mean a communication
18 regarding the otherwise lawful access to courts or other branches
19 of government, such as the lawful filing of any civil action or
20 police report of which the purpose is not to harass the other
21 person in violation of section 2907 of the revised judicature act
22 of 1961, 1961 PA 236, MCL 600.2907.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.