

HOUSE BILL No. 5370

December 4, 1991, Introduced by Rep. Yokich and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 411h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 411h to read as follows:

4 SEC. 411H. (1) A PERSON SHALL NOT DO EITHER OF THE FOLLOW-
5 ING OR CONSPIRE WITH OR SOLICIT ANOTHER PERSON TO DO EITHER OF
6 THE FOLLOWING:

7 (A) PHYSICALLY INJURE, ATTEMPT TO PHYSICALLY INJURE, OR
8 THREATEN TO PHYSICALLY INJURE ANY OTHER PERSON BECAUSE OF THE
9 INVOLVEMENT OF ANY PERSON IN ANY OF THE FOLLOWING:

1 (i) AN INVESTIGATION OR PROSECUTION OF A MISDEMEANOR.

2 (ii) AN INVESTIGATION OR PROSECUTION OF A VIOLATION OF LAW
3 COMMITTED BY A JUVENILE THAT IF COMMITTED BY AN ADULT WOULD BE A
4 MISDEMEANOR.

5 (iii) AN INVESTIGATION OR PROSECUTION OF A FELONY.

6 (iv) AN INVESTIGATION OR PROSECUTION OF A VIOLATION OF LAW
7 COMMITTED BY A JUVENILE THAT IF COMMITTED BY AN ADULT WOULD BE A
8 FELONY.

9 (B) TAKE, DAMAGE, OR DESTROY, ATTEMPT TO TAKE, DAMAGE, OR
10 DESTROY, OR THREATEN TO TAKE, DAMAGE, OR DESTROY THE PROPERTY OF
11 ANY OTHER PERSON BECAUSE OF THE INVOLVEMENT OF ANY PERSON IN ANY
12 OF THE FOLLOWING:

13 (i) AN INVESTIGATION OR PROSECUTION OF A MISDEMEANOR.

14 (ii) AN INVESTIGATION OR PROSECUTION OF A VIOLATION OF LAW
15 COMMITTED BY A JUVENILE THAT IF COMMITTED BY AN ADULT WOULD BE A
16 MISDEMEANOR.

17 (iii) AN INVESTIGATION OR PROSECUTION OF A FELONY.

18 (iv) AN INVESTIGATION OR PROSECUTION OF A VIOLATION OF LAW
19 COMMITTED BY A JUVENILE THAT IF COMMITTED BY AN ADULT WOULD BE A
20 FELONY.

21 (2) A PERSON WHO VIOLATES SUBSECTION (1)(A)(i) OR (ii), OR
22 SUBSECTION (1)(B)(i) OR (ii) IS GUILTY OF A MISDEMEANOR, PUNISH-
23 ABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT
24 MORE THAN \$500.00, OR BOTH.

25 (3) A PERSON WHO VIOLATES SUBSECTION (1)(A)(iii) OR (iv), OR
26 SUBSECTION (1)(B)(iii) OR (iv) IS GUILTY OF A FELONY, PUNISHABLE

1 BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS, OR A FINE OF NOT MORE
2 THAN \$2,500.00, OR BOTH.

3 (4) IF A PERSON COMMITS A FELONY OR MISDEMEANOR AND DURING
4 AN INVESTIGATION OR PROSECUTION OF THAT FELONY OR MISDEMEANOR
5 VIOLATES THIS SECTION, ANY TERM OF IMPRISONMENT IMPOSED FOR THE
6 VIOLATION OF THIS SECTION SHALL RUN CONSECUTIVELY TO ANY TERM OF
7 IMPRISONMENT IMPOSED FOR THE FELONY OR MISDEMEANOR.

8 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING PROS-
9 ECUTED OR CONVICTED FOR CONDUCT PROSCRIBED UNDER SUBSECTION (1)
10 UNDER ANY OTHER APPLICABLE SECTION OF LAW, IN LIEU OF BEING PROS-
11 ECUTED OR CONVICTED FOR THAT CONDUCT UNDER THIS SECTION.