

**SUBSTITUTE FOR
HOUSE BILL NO. 4482**

(As amended April 2, 1998)

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 368 (MCL 750.368) and by adding sections 217c
and 478a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 217C. (1) A PERSON SHALL NOT IMPERSONATE, [FALSELY]
REPRESENT
- 2 HIMSELF OR HERSELF AS, OR FALSELY ACT AS A PUBLIC OFFICIAL OR
3 EMPLOYEE AND PREPARE, ISSUE, SERVE, EXECUTE, OR OTHERWISE ACT TO
4 FURTHER THE OPERATION OF ANY LEGAL PROCESS OR UNAUTHORIZED PRO-
5 CESS THAT AFFECTS OR PURPORTS TO AFFECT PERSONS OR PROPERTY.
- 6 (2) EXCEPT AS PROVIDED IN SUBSECTION (3) OR (4), A PERSON
7 WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MISDEMEANOR PUNISHABLE
8 BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE
9 THAN \$500.00, OR BOTH.

HB4482, As Passed House, April 2, 1998

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1 (3) A PERSON WHO VIOLATES SUBSECTION (1) AFTER A PRIOR
2 CONVICTION FOR VIOLATING SUBSECTION (1) IS GUILTY OF A MISDE-
3 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A
4 FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

5 (4) A PERSON WHO VIOLATES SUBSECTION (1) AFTER 2 OR MORE
6 PRIOR CONVICTIONS FOR VIOLATING SUBSECTION (1) IS GUILTY OF A
7 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT [MORE] THAN 4 YEARS OR A
8 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

9 (5) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING
10 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION
11 OF LAW THAT INDIVIDUAL COMMITS WHILE VIOLATING THIS SECTION.

12 (6) THIS SECTION DOES NOT PROHIBIT INDIVIDUALS FROM ASSEMBL-
13 ING LAWFULLY OR LAWFUL FREE EXPRESSION OF OPINIONS OR DESIGNATION
14 OF GROUP AFFILIATION OR ASSOCIATION.

15 (7) AS USED IN THIS SECTION:

16 (A) "LAWFUL TRIBUNAL" MEANS A TRIBUNAL CREATED, ESTABLISHED,
17 AUTHORIZED, OR SANCTIONED BY LAW OR A TRIBUNAL OF A PRIVATE
18 ORGANIZATION, ASSOCIATION, OR ENTITY TO THE EXTENT THAT THE
19 ORGANIZATION, ASSOCIATION, OR ENTITY SEEKS IN A LAWFUL MANNER TO
20 AFFECT ONLY THE RIGHTS OR PROPERTY OF PERSONS WHO ARE MEMBERS OR
21 ASSOCIATES OF THAT ORGANIZATION, ASSOCIATION, OR ENTITY.

22 (B) "LEGAL PROCESS" MEANS A SUMMONS, COMPLAINT, PLEADING,
23 WRIT, WARRANT, INJUNCTION, NOTICE, SUBPOENA, LIEN, ORDER, OR
24 OTHER DOCUMENT ISSUED OR ENTERED BY OR ON BEHALF OF A COURT OR
25 LAWFUL TRIBUNAL OR LAWFULLY FILED WITH OR RECORDED BY A GOVERN-
26 MENTAL AGENCY THAT IS USED AS A MEANS OF EXERCISING OR ACQUIRING
27 JURISDICTION OVER A PERSON OR PROPERTY, TO ASSERT OR GIVE NOTICE

1 OF A LEGAL CLAIM AGAINST A PERSON OR PROPERTY, OR TO DIRECT
2 PERSONS TO TAKE OR REFRAIN FROM AN ACTION.

3 (C) "UNAUTHORIZED PROCESS" MEANS EITHER OF THE FOLLOWING:

4 (i) A DOCUMENT SIMULATING LEGAL PROCESS THAT IS PREPARED OR
5 ISSUED BY OR ON BEHALF OF AN ENTITY THAT PURPORTS OR REPRESENTS
6 ITSELF TO BE A LAWFUL TRIBUNAL OR A COURT, PUBLIC OFFICIAL, OR
7 OTHER AGENCY CREATED, ESTABLISHED, AUTHORIZED, OR SANCTIONED BY
8 LAW BUT THAT IS NOT A LAWFUL TRIBUNAL OR A COURT, PUBLIC OFFI-
9 CIAL, OR OTHER AGENCY CREATED, ESTABLISHED, AUTHORIZED, OR SANC-
10 TIONED BY LAW.

11 (ii) A DOCUMENT THAT WOULD OTHERWISE BE LEGAL PROCESS EXCEPT
12 THAT IT WAS NOT ISSUED OR ENTERED BY OR ON BEHALF OF A COURT OR
13 LAWFUL TRIBUNAL OR LAWFULLY FILED WITH OR RECORDED BY A GOVERN-
14 MENTAL AGENCY AS REQUIRED BY LAW.

15 Sec. 368. (1) ~~Notice or demand of payment simulating legal~~
16 ~~process--Any~~ A person or ~~his~~ agent ~~who~~ OF A PERSON shall NOT
17 BY PERSONAL SERVICE, MAIL, OR OTHERWISE serve or cause to be
18 served upon ~~any~~ A debtor a notice or demand of payment of money
19 on behalf of ~~any~~ A creditor ~~, by personal service or by mail~~
20 ~~or otherwise, such notice~~ THAT IS not ~~being~~ authorized by
21 ~~any~~ A statute or court of this state ~~, and which notice on~~
22 ~~demand of payment shall,~~ THAT SIMULATES in form and substance ~~,~~
23 ~~simulate any~~ legal process issued out of ~~any of the courts~~ A
24 COURT of this state. ~~, shall be~~

25 (2) A PERSON SHALL NOT PREPARE, ISSUE, SERVE, EXECUTE, OR
26 OTHERWISE ACT TO FURTHER THE OPERATION OF ANY UNAUTHORIZED
27 PROCESS.

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1 (3) EXCEPT AS PROVIDED IN SUBSECTION (4) OR (5), A PERSON
2 WHO VIOLATES THIS SECTION IS guilty of a misdemeanor PUNISHABLE
3 BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE
4 THAN \$100.00, OR BOTH.

5 (4) A PERSON WHO VIOLATES SUBSECTION (2) AFTER A PRIOR CON-
6 VICTION FOR VIOLATING THIS SECTION IS GUILTY OF A MISDEMEANOR
7 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
8 NOT MORE THAN \$1,000.00, OR BOTH.

9 (5) A PERSON WHO VIOLATES SUBSECTION (2) AFTER 2 OR MORE
10 PRIOR CONVICTIONS FOR VIOLATING THIS SECTION IS GUILTY OF A
11 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT [MORE] THAN 4 YEARS OR A
12 FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

 [(6) THIS SECTION DOES NOT APPLY TO A LIEN AUTHORIZED UNDER A
 STATUTE OF THIS STATE.]

13 [(7)] THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING
14 CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION
15 OF LAW THAT INDIVIDUAL COMMITS WHILE VIOLATING THIS SECTION.

16 [(8)] THIS SECTION DOES NOT PROHIBIT INDIVIDUALS FROM ASSEMBL-
17 ING LAWFULLY OR LAWFUL FREE EXPRESSION OF OPINIONS OR DESIGNATION
18 OF GROUP AFFILIATION OR ASSOCIATION.

19 [(9)] AS USED IN THIS SECTION:

20 (A) "LAWFUL TRIBUNAL" MEANS A TRIBUNAL CREATED, ESTABLISHED,
21 AUTHORIZED, OR SANCTIONED BY LAW OR A TRIBUNAL OF A PRIVATE
22 ORGANIZATION, ASSOCIATION, OR ENTITY TO THE EXTENT THAT THE
23 ORGANIZATION, ASSOCIATION, OR ENTITY SEEKS IN A LAWFUL MANNER TO
24 AFFECT ONLY THE RIGHTS OR PROPERTY OF PERSONS WHO ARE MEMBERS OR
25 ASSOCIATES OF THAT ORGANIZATION, ASSOCIATION, OR ENTITY.

26 (B) "LEGAL PROCESS" MEANS A SUMMONS, COMPLAINT, PLEADING,
27 WRIT, WARRANT, INJUNCTION, NOTICE, SUBPOENA, LIEN, ORDER, OR

1 OTHER DOCUMENT ISSUED OR ENTERED BY OR ON BEHALF OF A COURT OR
2 LAWFUL TRIBUNAL OR LAWFULLY FILED WITH OR RECORDED BY A GOVERN-
3 MENTAL AGENCY THAT IS USED AS A MEANS OF EXERCISING OR ACQUIRING
4 JURISDICTION OVER A PERSON OR PROPERTY, TO ASSERT OR GIVE NOTICE
5 OF A LEGAL CLAIM AGAINST A PERSON OR PROPERTY, OR TO DIRECT PER-
6 SONS TO TAKE OR REFRAIN FROM AN ACTION.

7 (C) "UNAUTHORIZED PROCESS" MEANS EITHER OF THE FOLLOWING:

8 (i) A DOCUMENT SIMULATING LEGAL PROCESS THAT IS PREPARED OR
9 ISSUED BY OR ON BEHALF OF AN ENTITY THAT PURPORTS OR REPRESENTS
10 ITSELF TO BE A LAWFUL TRIBUNAL OR A COURT, PUBLIC OFFICIAL, OR
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12 LAW BUT THAT IS NOT A LAWFUL TRIBUNAL OR A COURT, PUBLIC OFFI-
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14 TIONED BY LAW.

15 (ii) A DOCUMENT THAT WOULD OTHERWISE BE LEGAL PROCESS EXCEPT
16 THAT IT WAS NOT ISSUED OR ENTERED BY OR ON BEHALF OF A COURT OR
17 LAWFUL TRIBUNAL OR LAWFULLY FILED WITH OR RECORDED BY A GOVERN-
18 MENTAL AGENCY AS REQUIRED BY LAW. [HOWEVER, THIS SUBPARAGRAPH DOES
NOT APPLY TO A DOCUMENT THAT WOULD OTHERWISE BE LEGAL PROCESS BUT
FOR 1 OR MORE TECHNICAL DEFECTS, INCLUDING BUT NOT LIMITED TO ERRORS
INVOLVING NAMES, SPELLING, ADDRESSES, OR TIME OF ISSUE OR FILING OR
OTHER DEFECTS THAT DO NOT RELATE TO THE SUBSTANCE OF THE CLAIM OR
ACTION UNDERLYING THE DOCUMENT.]

19 SEC. 478A. (1) A PERSON SHALL NOT ATTEMPT TO INTIMIDATE,
20 HINDER, OR OBSTRUCT A PUBLIC OFFICIAL OR EMPLOYEE OR A PEACE
21 OFFICER IN THE DISCHARGE OF HIS OR HER OFFICIAL DUTIES BY A USE
22 OF UNAUTHORIZED PROCESS.

23 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON WHO VIO-
24 LATES SUBSECTION (1) IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
25 IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN
26 \$1,000.00, OR BOTH.

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1 (3) A PERSON WHO VIOLATES SUBSECTION (1) AFTER 1 OR MORE
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[Enacting section 1. This amendatory act takes effect July 1,
1998.]