

DRAFT 1

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 39 of chapter VII (MCL 767.39).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER VII

Sec. 39. **(1)** ~~Every~~**Each** person ~~concerned~~**involved** in the
commission of an offense, whether he **or she** directly commits the
act constituting the offense or procures, counsels, aids, or abets
in ~~its~~**the** commission **of the offense** may hereafter be prosecuted,
indicted, tried, and ~~on conviction~~**convicted for the offense.**



1 (2) Upon conviction the person ~~shall~~**must** be punished as if he
2 **or she** had directly committed ~~such~~**the** offense **if the evidence**
3 **proves, beyond a reasonable doubt, that the person acted with the**
4 **same intent as the person that directly committed the offense.**
5 **However, if the evidence does not prove beyond a reasonable doubt**
6 **that the person acted with the same intent as the person that**
7 **directly committed the offense, the court is not required to impose**
8 **a punishment as if the person directly committed the offense and**
9 **may exercise its discretion in sentencing the defendant.**

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

