

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:**

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.