

## Section 750.478

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### THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

#### **750.478 Willful neglect of duty; public officer or person holding public trust or employment; penalty.**

Sec. 478.

When any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.478 ;-- Am. 2002, Act 672, Eff. Mar. 31, 2003

**Former Law:** See section 25 of Ch. 156 of R.S. 1846, being CL 1857, § 5844; CL 1871, § 7677; How., § 9259; CL 1897, § 11329; CL 1915, § 14996; and CL 1929, § 16587.

What if order is unconstitutional?

## Section 750.481

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### THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

#### **750.481 Neglecting or refusing to execute process; penalty.**

Sec. 481.

Neglecting or refusing to execute process—Whenever any constable, marshal, deputy or assistant marshal, coroner, sheriff or deputy sheriff of any township, city, village or county, shall at any time wilfully neglect or refuse to execute any lawful process of any court, or judicial officer having authority to issue the same, and which shall be duly issued, or whenever such officer shall, at any time, wilfully neglect or refuse to discharge or execute any special duty imposed on any such officer by any provision of law, such officer shall be guilty of a misdemeanor: Provided, That in all cases where such process shall be taken out

in the name of a party, other than the people of this state, it shall appear on the trial for such offense that the legal fees for serving such process have been tendered or paid to such officer.

**History:** 1931, Act 328, Eff. Sept. 18, 1931 ;-- CL 1948, 750.481

**Former Law:** See section 1 of Act 9 of 1861, being CL 1871, § 7680; How., § 9262; CL 1897, § 11332; CL 1915, § 14999; and CL 1929, § 16594.