



**House  
Legislative  
Analysis  
Section**

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**CRIME AGAINST MEMBER OF MINORITY**

**RECEIVED**

House Bill 4113 as passed by the House  
Second Analysis (10-30-87)

**NOV 17 1987**

Sponsor: Rep. David Honigman  
Committee: Judiciary

Mich. State Law Library

***THE APPARENT PROBLEM:***

While bigotry may or may not be on the rise in recent months, the expression of it certainly seems to be. According to the Anti-Defamation League of B'nai B'rith, reports of anti-semitic vandalism in Michigan in 1986 were nearly triple what they were in 1985. Incidents against other minority groups, including blacks, orientals, and homosexuals also appear to have increased. Violence and vandalism are repellent, but attacks spawned by bigotry are more so. To give more force to the state's opposition to such incidents, special penalties have been proposed, along with provisions enabling victims to bring civil suit against those who commit such crimes.

***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Penal Code to make it a felony to commit a felony motivated in whole or in part by the perceived race, gender, religion, national origin, mental or physical disability, or sexual orientation of the victim. A person who did this could be punished by up to the maximum term authorized for the underlying felony plus two years, the maximum fine authorized for the underlying felony plus \$2,000, or both imprisonment and fine. ("Person" would be defined to include an organization of any kind, as well as an individual.)

The victim of a misdemeanor or felony committed by someone motivated by the victim's ethnic background or sexual orientation could bring a civil action to secure an injunction; obtain damages for physical injury, emotional distress (whether or not there had been physical injury), and property loss; and other appropriate relief. The victim could recover treble damages or \$2,000, whichever was greater, plus reasonable attorney fees and costs.

MCL 750.147B

***FISCAL IMPLICATIONS:***

The House Fiscal Agency says that the fiscal impact of the bill is indeterminable. To the extent that additional individuals would be committed to a state institution for a felony as provided for in House Bill 4113, the cost for the length of additional sentence to a state correctional institution will increase. (10-21-87)

***ARGUMENTS:***

***For:***

At least 29 states have enacted legislation similar to the bill, and it is high time Michigan, too, made it clear that bigotry-motivated violence is especially repugnant to society and not to be countenanced. The bill offers not only stiffer penalties for a crime prompted by bigotry, but also redress for victims of such crimes.

***POSITIONS:***

The Anti-Defamation League of B'nai B'rith supports the bill. (10-19-87)

The Governor's Advisory Commission on Asian-American Affairs supports the concept of the bill. (10-30-87)

The Michigan Organization for Human Rights supports the bill. (10-19-87)

H.B. 4113 (10-30-87)