



**House  
Legislative  
Analysis  
Section**

Washington Square Building, Suite 1025  
Lansing, Michigan 48909  
Phone: 517/373-6466

**ETHNIC INTIMIDATION**

House Bill 4113 as enrolled  
Third Analysis (1-20-89)

**RECEIVED**

**FEB 08 1989**

Sponsor: Rep. David Honigman  
House Committee: Judiciary  
Senate 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 create the crime of ethnic intimidation, which would be a felony punishable by imprisonment for up to two years, a fine of up to \$5,000, or both. A person would be guilty of ethnic intimidation if that person maliciously, and with specific intent to intimidate or harass another person because of that person's race, religion, gender or national origin, did any of the following: caused physical contact; damaged real or personal property; and, threatened by word or act to make physical contact or damage property, if there was reasonable cause to believe that the threatened act would occur.

Regardless of the existence or outcome of any criminal prosecution, a person who suffered injury to his or her person or damage to his or her property as a result of ethnic intimidation could bring a civil action against the person who committed the offense. The civil suit could secure an injunction, actual damages (including damages for emotional distress), or other appropriate relief. A plaintiff who prevailed in his or her suit could recover damages in the amount of three times actual damages or \$2,000, whichever was greater, along with reasonable attorney fees and costs.

MCL 750.147B

***FISCAL IMPLICATIONS:***

The House Fiscal Agency says that the bill would have no fiscal impact. (1-18-89).

***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 stiff penalties for an offense prompted by bigotry, but also redress for victims of such crimes.

H.B. 4113 (1-20-89)