

H.B. 4674

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 147b (MCL 750.147b), as added by 1988 PA  
371.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 147b. (1) A person is guilty of ~~ethnic~~ FELONIOUS  
2 intimidation if that person maliciously, and with specific intent  
3 to intimidate or harass another person because of that person's  
4 race, color, religion, gender, SEXUAL ORIENTATION, or national  
5 origin, does any of the following:

6       (a) Causes physical contact with another person.

7       (b) Damages, destroys, or defaces any real or personal prop-  
8 erty of another person.

1 (c) Threatens, by word or act, to do an act described in  
2 subdivision (a) or (b), if there is reasonable cause to believe  
3 that an act described in subdivision (a) or (b) will occur.

4 (2) ~~Ethnic~~ FELONIOUS intimidation is a felony punishable  
5 by imprisonment for not more than 2 years, or by a fine of not  
6 more than \$5,000.00, or both.

[(3) A TERM OF IMPRISONMENT IMPOSED FOR FELONIOUS INTIMIDATION  
SHALL BE SERVED IN ADDITION TO, CONSECUTIVE WITH, AND BEFORE A TERM  
OF IMPRISONMENT IMPOSED FOR ANY OTHER FELONY OR ATTEMPTED FELONY  
CONVICTION THAT ARISES OUT OF THE SAME TRANSACTION OR OCCURRENCE  
FROM WHICH THE FELONIOUS INTIMIDATION CONVICTION AROSE.]

7 [(4)] Regardless of the existence or outcome of any criminal  
8 prosecution, a person who suffers injury to his or her person or  
9 damage to his or her property as a result of ~~ethnic~~ FELONIOUS  
10 intimidation may bring a civil cause of action against the person  
11 who commits the offense to secure an injunction, actual damages,  
12 including damages for emotional distress, or other appropriate  
13 relief. A plaintiff who prevails in a civil action brought pur-  
14 suant to this section may recover both of the following:

15 (a) Damages in the amount of 3 times the actual damages  
16 described in this subsection or \$2,000.00, whichever is greater.

17 (b) Reasonable attorney fees and costs.