

HOUSE BILL No. 4412

March 11, 1999, Introduced by Reps. Martinez, Godchaux, Brater, Schauer, LaForge, Price, Baird, Jacobs, Vaughn, Cherry, Jamnick, Minore, DeHart, Dennis, Woodward, Quarles, Scott and Stallworth and referred to the Committee on Constitutional Law and Ethics .

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.

7 (3) A TERM OF IMPRISONMENT IMPOSED FOR FELONIOUS INTIMIDA-
8 TION SHALL BE SERVED IN ADDITION TO, CONSECUTIVE WITH, AND BEFORE
9 A TERM OF IMPRISONMENT IMPOSED FOR ANY OTHER FELONY OR ATTEMPTED
10 FELONY CONVICTION THAT ARISES OUT OF THE SAME TRANSACTION OR
11 OCCURRENCE FROM WHICH THE FELONIOUS INTIMIDATION CONVICTION
12 AROSE.

13 (4) ~~(3)~~ Regardless of the existence or outcome of any
14 criminal prosecution, a person who suffers injury to his or her
15 person or damage to his or her property as a result of ~~ethnic~~
16 FELONIOUS intimidation may bring a civil cause of action against
17 the person who commits the offense to secure an injunction,
18 actual damages, including damages for emotional distress, or
19 other appropriate relief. A plaintiff who prevails in a civil
20 action brought pursuant to this section may recover both of the
21 following:

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

24 (b) Reasonable attorney fees and costs.