

HOUSE BILL No. 4653

April 24, 2007, Introduced by Reps. Opsommer, Robertson, Nitz, Meekhof, Hoogendyk, Emmons, Meltzer, Elsenheimer, Casperson, Shaffer, Hansen, Steil, Stahl, Hune, Agema, Amos, Moolenaar, Huizenga, Green, Pearce, Horn and Calley and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 15A. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
2 THE "COERCIVE ABORTION PREVENTION ACT".

3 (2) AS USED IN THIS SECTION:

4 (A) "COMPEL A PREGNANT FEMALE TO SEEK AN ABORTION" MEANS AN
5 ACT, ATTEMPTED ACT, OR THREAT TO ACT BY A PERSON THAT IS
6 CONDITIONED UPON THE PREGNANT FEMALE DISREGARDING OR REFUSING THE
7 PERSON'S DEMAND THAT SHE SEEK AN ABORTION.

8 (B) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF
9 A SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS EVIDENCING A
10 CONTINUITY OF PURPOSE.

1 (C) "FAMILY OR HOUSEHOLD MEMBER" MEANS THAT TERM AS DEFINED IN
2 SECTION 1 OF 1978 PA 389, MCL 400.1501.

3 (D) "THREAT" MEANS 2 OR MORE STATEMENTS, OR A COURSE OF
4 CONDUCT, BY AN INDIVIDUAL THAT WOULD CAUSE A REASONABLE PERSON TO
5 BELIEVE THAT THE INDIVIDUAL IS LIKELY TO ACT IN ACCORDANCE WITH THE
6 STATEMENTS OR AS IMPLIED BY THE COURSE OF CONDUCT. THREAT DOES NOT
7 INCLUDE CONSTITUTIONALLY PROTECTED SPEECH OR ANY GENERALIZED
8 STATEMENT REGARDING A LAWFUL PREGNANCY OPTION, INCLUDING, BUT NOT
9 LIMITED TO, AN EMOTIONAL EXPRESSION BY A FAMILY OR HOUSEHOLD MEMBER
10 OF THE PREGNANT FEMALE.

11 (E) "UNBORN CHILD" MEANS A LIVE HUMAN BEING IN UTERO
12 REGARDLESS OF ITS GESTATIONAL STAGE OF DEVELOPMENT.

13 (3) A PERSON WHO HAS ACTUAL KNOWLEDGE THAT A FEMALE INDIVIDUAL
14 IS PREGNANT SHALL NOT DO ANY OF THE FOLLOWING WITH THE INTENT TO
15 COMPEL A PREGNANT FEMALE TO SEEK AN ABORTION:

16 (A) COMMIT OR ATTEMPT TO COMMIT AN ACT PROSCRIBED UNDER
17 SECTION 81, 81A, 83, 84, 86, OR 411H AGAINST THE PREGNANT FEMALE OR
18 A FAMILY OR HOUSEHOLD MEMBER.

19 (B) FILE OR ATTEMPT TO FILE FOR A DIVORCE FROM THE PREGNANT
20 FEMALE.

21 (C) WITHDRAW OR ATTEMPT TO WITHDRAW FINANCIAL SUPPORT FROM THE
22 PREGNANT FEMALE THAT HAD PREVIOUSLY BEEN SUPPLIED OR OFFERED TO THE
23 PREGNANT FEMALE.

24 (D) CHANGE OR ATTEMPT TO CHANGE AN EXISTING HOUSING OR
25 COHABITATION ARRANGEMENT WITH THE PREGNANT FEMALE.

26 (E) THREATEN TO ENGAGE IN CONDUCT PROSCRIBED UNDER SUBDIVISION
27 (B), (C), OR (D).

1 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME OR
2 RESPONSIBLE FOR A STATE CIVIL INFRACTION AS FOLLOWS:

3 (A) FOR AN ACT OR ATTEMPT TO ACT IN VIOLATION OF SUBSECTION
4 (3) (A), THE PERSON IS GUILTY OF A CRIME PUNISHABLE BY THE SAME
5 PENALTY AS FOR THE VIOLATION OF SECTION 81, 81A, 83, 84, 86, OR
6 411H.

7 (B) EXCEPT AS PROVIDED IN SUBDIVISION (D), FOR A VIOLATION OF
8 SUBSECTION (3) (B), (C), OR (D), THE PERSON IS GUILTY OF A
9 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$2,000.00.

10 (C) EXCEPT AS PROVIDED IN SUBDIVISION (D), FOR A VIOLATION OF
11 SUBSECTION (3) (E), THE PERSON IS RESPONSIBLE FOR A STATE CIVIL
12 INFRACTION AND MAY BE FINED NOT MORE THAN \$1,000.00.

13 (D) IF A VIOLATION OF SUBSECTION (3) (B), (C), (D), OR (E) IS
14 COMMITTED BY THE FATHER OR PUTATIVE FATHER OF THE UNBORN CHILD
15 AGAINST A PREGNANT FEMALE WHO IS LESS THAN 18 YEARS OF AGE, AND THE
16 FATHER OR PUTATIVE FATHER IS 18 YEARS OF AGE OR OLDER, THE FATHER
17 OR PUTATIVE FATHER IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
18 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
19 \$5,000.00, OR BOTH.

20 (5) UPON THE REQUEST OF THE PREGNANT FEMALE, A LAW ENFORCEMENT
21 AGENCY INVESTIGATING A VIOLATION OF THIS SECTION SHALL NOTIFY THE
22 PREGNANT FEMALE NOT LESS THAN 24 HOURS BEFORE INITIALLY CONTACTING
23 THE PERSON ALLEGED TO HAVE VIOLATED THIS SECTION.

24 (6) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
25 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY CRIME COMMITTED
26 WHILE VIOLATING THIS SECTION.

27 (7) THE COURT MAY ORDER THAT A TERM OF IMPRISONMENT IMPOSED

1 FOR VIOLATING THIS SECTION BE SERVED CONSECUTIVELY TO A TERM OF
2 IMPRISONMENT IMPOSED FOR ANY CRIME COMMITTED WHILE VIOLATING THIS
3 SECTION.

4 (8) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

5 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
6 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

7 Enacting section 1. This amendatory act takes effect October
8 1, 2007.