

HOUSE BILL No. 4799

June 22, 2011, Introduced by Reps. Opsommer, Potvin, Kurtz, Yonker, Haveman, Heise, LeBlanc, Lyons, Horn, Price, Zorn, MacMaster, Shirkey, Somerville, Cotter, Genetski, Lori, O'Brien, Jenkins, Hooker, Kowall, Daley, Jacobsen, Johnson, Rendon, Haines, Poleski, MacGregor, LaFontaine, Goike, Gilbert, McMillin and Walsh and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 213a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 213A. (1) A PERSON HAVING ACTUAL KNOWLEDGE THAT A FEMALE**
2 **INDIVIDUAL IS PREGNANT SHALL NOT DO ANY OF THE FOLLOWING WITH THE**
3 **INTENT TO COERCE HER TO HAVE AN ABORTION AGAINST HER WILL:**

4 **(A) COMMIT, ATTEMPT TO COMMIT, OR MALICIOUSLY THREATEN TO**
5 **COMMIT ANY OF THE FOLLOWING VIOLATIONS AGAINST HER OR ANY OTHER**
6 **PERSON:**

7 **(i) A VIOLATION OF SECTION 411H OR SECTION 411I.**

8 **(ii) AN ASSAULTIVE CRIME. AS USED IN THIS SUBPARAGRAPH,**
9 **"ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF**
10 **CHAPTER X OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL**

1 770.9A.

2 (B) AFTER BEING INFORMED BY A PREGNANT FEMALE THAT SHE DOES
3 NOT WANT TO OBTAIN AN ABORTION, ANY OF THE FOLLOWING:

4 (i) DISCONTINUE, ATTEMPT TO DISCONTINUE, OR MALICIOUSLY
5 THREATEN TO DISCONTINUE SUPPORT THAT THE PERSON HAS A LEGAL
6 RESPONSIBILITY TO PROVIDE OR REDUCE THAT SUPPORT TO A LEVEL BELOW
7 HIS OR HER LEGAL RESPONSIBILITY.

8 (ii) WITHDRAW, ATTEMPT TO WITHDRAW, OR MALICIOUSLY THREATEN TO
9 WITHDRAW FROM A CONTRACT OR AGREEMENT OR OTHERWISE VIOLATE THE
10 TERMS OF THAT CONTRACT OR AGREEMENT HAVING PREVIOUSLY ENTERED INTO
11 A CONTRACT OR OTHER LEGALLY BINDING AGREEMENT TO WHICH THE PREGNANT
12 FEMALE IS A PARTY OR BENEFICIARY.

13 (iii) DISCHARGE OR THREATEN TO DISCHARGE HER FROM EMPLOYMENT.

14 (2) FOR PURPOSES OF SUBSECTION (1) (B), INFORMATION THAT A
15 PREGNANT FEMALE DOES NOT WANT TO OBTAIN AN ABORTION INCLUDES ANY
16 STATEMENT OR ACT, INCLUDING INACTION, THAT WOULD CLEARLY
17 DEMONSTRATE TO A REASONABLE PERSON THAT SHE IS UNWILLING TO COMPLY
18 WITH A REQUEST OR DEMAND TO HAVE AN ABORTION.

19 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
20 FOLLOWS:

21 (A) FOR A VIOLATION OF SUBSECTION (1) (A), THE PERSON IS GUILTY
22 OF A CRIME PUNISHABLE IN THE SAME MANNER AS FOR THE UNDERLYING
23 OFFENSE COMMITTED, ATTEMPTED, OR MALICIOUSLY THREATENED.

24 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), FOR A VIOLATION OF
25 SUBSECTION (1) (B), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE
26 BY A FINE OF NOT MORE THAN \$5,000.00.

27 (C) IF THE PERSON IS THE FATHER OR PUTATIVE FATHER OF THE

1 UNBORN CHILD, THE PREGNANT INDIVIDUAL IS LESS THAN 18 YEARS OF AGE
2 AT THE TIME OF THE VIOLATION, AND THE PERSON IS 18 YEARS OF AGE OR
3 OLDER AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A
4 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00.

5 (4) UPON THE REQUEST OF THE PREGNANT FEMALE, A LAW ENFORCEMENT
6 AGENCY INVESTIGATING AN ALLEGED VIOLATION OF THIS SECTION SHALL
7 NOTIFY HER AT LEAST 24 HOURS BEFORE INITIALLY CONTACTING A PERSON
8 SHE SPECIFICALLY ALLEGES HAS VIOLATED THIS SECTION.

9 (5) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
10 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF
11 LAW COMMITTED WHILE VIOLATING THIS SECTION.

12 (6) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR
13 VIOLATING THIS SECTION TO BE SERVED CONSECUTIVELY TO ANY OTHER TERM
14 OF IMPRISONMENT IMPOSED FOR A VIOLATION OF LAW COMMITTED WHILE
15 VIOLATING THIS SECTION.

16 (7) AS USED IN THIS SECTION:

17 (A) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF
18 A SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS EVIDENCING A
19 CONTINUITY OF PURPOSE.

20 (B) "MALICIOUSLY THREATEN" MEANS TO MAKE 2 OR MORE STATEMENTS
21 OR TO ENGAGE IN A COURSE OF CONDUCT THAT WOULD CAUSE A REASONABLE
22 PERSON TO BELIEVE THAT THE INDIVIDUAL IS LIKELY TO ACT IN
23 ACCORDANCE WITH THE STATEMENTS OR THE COURSE OF CONDUCT.
24 MALICIOUSLY THREATEN DOES NOT INCLUDE CONSTITUTIONALLY PROTECTED
25 SPEECH OR ANY GENERALIZED STATEMENT REGARDING A LAWFUL PREGNANCY
26 OPTION.

27 (C) "UNBORN CHILD" MEANS A LIVE HUMAN BEING IN UTERO

1 REGARDLESS OF HIS OR HER GESTATIONAL STAGE OF DEVELOPMENT.