

# HOUSE BILL NO. 5139

October 23, 2019, Introduced by Reps. Sneller, Sabo, Warren, Ellison, Elder, Sowerby, Hood, Cherry, Stone, Peterson, Wittenberg, Lasinski, Brixie, Anthony, Liberati, Cambensy and Jones and referred to the Committee on Government Operations.

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 intimidation if  
2 that person maliciously, and with specific intent to intimidate or  
3 harass another person because of that person's race, color,  
4 religion, gender, **gender identity, sexual orientation**, or national



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1 origin, does any of the following:

2 (a) Causes physical contact with another person.

3 (b) Damages, destroys, or defaces any real or personal  
4 property of another person.

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

8 (2) Ethnic intimidation is a felony punishable by imprisonment  
9 for not more than 2 years, or by a fine of not more than \$5,000.00,  
10 or both.

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

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

21 (b) Reasonable attorney fees and costs.

22 Enacting section 1. This amendatory act takes effect 90 days  
23 after the date it is enacted into law.

