

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XXI

CIVIL RIGHTS

750.146 Right to equal public accommodations; separation of facilities according to sex.

Sec. 146. All persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of inns, hotels, motels, government housing, restaurants, eating houses, barber shops, billiard parlors, stores, public conveyances on land and water, theatres, motion picture houses, public educational institutions, in elevators, on escalators, in all methods of air transportation and all other places of public accommodation, amusement, and recreation, subject only to the conditions and limitations established by law and applicable alike to all citizens and to all citizens alike, with uniform prices. Rooming facilities at educational, religious, charitable or nonprofit institutions or organizations, and restrooms and locker room facilities in places of public accommodation may be separated according to sex.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 117, Eff. Oct. 29, 1937;—CL 1948, 750.146;—Am. 1952, Act 101, Eff. Sept. 18, 1952;—Am. 1956, Act 182, Eff. Aug. 11, 1956;—Am. 1972, Act 116, Imd. Eff. Apr. 18, 1972.

Former law: See section 1 of Act 130 of 1885, being How., § 9074a; CL 1897, § 11759; CL 1915, § 15570; CL 1929, § 16809; and Act 375 of 1919.

750.147 Denial of equal public accommodations.

Sec. 147. Any person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place who shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities and privileges thereof or directly or indirectly publish, circulate, issue, display, post or mail any written or printed communications, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such places shall be refused, withheld from or denied to any person on account of race, color, religion, national origin, sex or blindness or that any particular race, color, religion, national origin, sex or blindness is not welcome, objectionable or not acceptable, not desired or solicited, shall for every such offense be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 or imprisoned for not less than 15 days or both such fine and imprisonment in the discretion of the court; and every person being an owner, lessee, proprietor, manager, superintendent, agent or employee of any such place, and who violates any of the provisions of this section, shall be liable to the injured party, in treble damages sustained, to be recovered in a civil action: Provided, however, That any right of action under this section shall be unassignable. In the event that any person violating this section is operating by virtue of a license issued by the state, or any municipal authority, the court, in addition to the penalty prescribed above, may suspend or revoke such license.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 117, Eff. Oct. 29, 1937;—CL 1948, 750.147;—Am. 1956, Act 182, Eff. Aug. 11, 1956;—Am. 1972, Act 116, Imd. Eff. Apr. 18, 1972.

Former law: See section 2 of Act 130 of 1885, being How., § 9074b; CL 1897, § 11760; CL 1915, § 15571; CL 1929, § 16810; and Act 375 of 1919.

750.147a Discrimination in extending credit, granting loan, or rating person's creditworthiness; violation; penalty; civil liability.

Sec. 147a. (1) A person shall not discriminate in extending credit or granting a loan on the basis of race, color, religion, national origin, marital status, sex, or physical disability unless both the following apply:

(a) The person is a nonprofit corporation whose members share 1 of the following:

(i) The same racial, religious, ethnic, marital, or sexual characteristic.

(ii) The same physical disability.

(iii) A blend of the characteristics described in subparagraphs (i) and (ii).

(b) The person extends credit or grants a loan only to its members.

(2) A person shall not discriminate in the rating of a person's creditworthiness on the basis of race, color, religion, national origin, marital status, sex, or physical disability.

(3) A person who violates the provisions of subsection (1) or (2) is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(4) A person who violates the provisions of subsection (1) or (2) is liable in a civil action to the injured party for the amount of \$200.00 or for damages, whichever is greater. Actions brought pursuant to rule 3.501 of the Michigan court rules are limited to those damages provided in this subsection. The prevailing party in

the civil action shall be entitled to recover court costs and reasonable attorney fees. The right of action under this subsection is unassignable.

History: Add. 1974, Act 246, Imd. Eff. Aug. 1, 1974;—Am. 1998, Act 38, Imd. Eff. Mar. 18, 1998.

750.147b Hate crime; violation; penalties; enhanced or alternative sentence.

Sec. 147b. (1) An individual is guilty of a hate crime if that individual, maliciously and intentionally does any of the following to an individual based in whole or in part on an actual or perceived characteristic of that individual listed under subsection (2), regardless of the existence of any other motivating factors:

- (a) Uses force or violence against another individual.
- (b) Causes bodily injury to another individual.
- (c) Stalks another individual.
- (d) Damages, destroys, or defaces any real or personal property of another individual without the consent of the individual.

(e) Makes a true threat to engage in conduct described under subdivisions (a) to (d).

(2) The actual or perceived characteristics of another individual referenced under subsection (1) include all of the following:

- (a) Race or color.
- (b) Religion.
- (c) Sex.
- (d) Sexual orientation.
- (e) Gender identity or expression.
- (f) Physical or mental disability.
- (g) Age.
- (h) Ethnicity.
- (i) National origin.
- (j) Association or affiliation with an individual or group of individuals in whole or in part based on a characteristic described under subdivisions (a) to (i).

(3) An individual who violates this section is guilty of a crime punishable as follows:

(a) An individual who commits a first violation of subsection (1)(e) is guilty of a felony punishable by imprisonment for not more than 2 years or by a fine of not more than \$5,000.00, or both.

(b) An individual who commits either of the following violations is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00, or both:

- (i) A first violation of subsection (1)(a), (b), (c), or (d).
- (ii) A second or subsequent violation of subsection (1)(e).

(c) An individual who commits any of the following violations is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00, or both:

- (i) A second or subsequent violation of subsection (1)(a), (b), (c), or (d).
- (ii) A violation of subsection (1) committed in concert with 1 or more individuals.
- (iii) A violation of subsection (1) committed against a victim who is less than 18 years of age by an individual who is 19 years of age or older.
- (iv) A violation of subsection (1) committed while the individual is in possession of a firearm or other dangerous weapon.

(4) Regardless of the existence or outcome of any criminal prosecution, an individual who suffers injury or property damage as a result of a hate crime may bring a civil cause of action against the individual who commits the offense to secure an injunction, actual damages, including damages for emotional distress, or other appropriate relief. A plaintiff who prevails in a civil action brought pursuant to this section may recover both of the following:

- (a) Damages in the amount of 3 times the actual damages described in this subsection or \$25,000.00, whichever is greater.
- (b) Reasonable attorney fees and costs.

(5) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions under subsection (3)(b)(ii) or (c)(i), the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.

- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(6) In lieu of or in addition to the penalties described in subsection (3)(a), the court may, if the defendant consents, impose an alternative sentence described under this subsection. In determining the suitability of an alternative sentence described under this subsection, the court shall consider the criminal history of the offender, the impact of the offense on the victim and wider community, the availability of the alternative sentence, and the nature of the violation. An alternative sentence may, if the entity chosen for community service is amenable, include an order requiring the offender to complete a period of community service intended to enhance the offender's understanding of the impact of the offense upon the victim and wider community.

(7) The court may, if the defendant consents, reduce any penalty imposed under subsection (3)(b) or (c) by not more than 20% and impose an alternative sentence described under this subsection. In determining the suitability of an alternative sentence described under this subsection, the court shall consider the criminal history of the offender, the impact of the offense on the victim and wider community, the availability of the alternative sentence, and the nature of the violation. An alternative sentence may, if the entity chosen for community service is amenable, include an order requiring the offender to complete a period of community service intended to enhance the offender's understanding of the impact of the offense upon the victim and wider community.

(8) The court may order a sentence imposed for a violation of this section be served consecutively to a sentence imposed for any other crime, including any other violation of law arising out of the same transaction as the violation of this section.

(9) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

(10) This section does not enjoin any individual's exercise of the constitutional right to free speech.

(11) As used in this section:

- (a) "Reckless disregard" means to consciously disregard a substantial and unjustifiable risk that a statement will be viewed as threatening violence.
- (b) "Stalk" means stalking as that term is defined in section 411h.
- (c) "True threat" means a statement in which the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, including unlawful property damage to the property of a particular individual or group of individuals. A true threat includes such a communication made with reckless disregard. A speaker is not liable for communicating a true threat if the speaker was unaware that the individual or the group of individuals could regard the statement as threatening violence.

History: Add. 1988, Act 371, Eff. Mar. 30, 1989;—Am. 2024, Act 259, Eff. Apr. 2, 2025.

Popular name: Ethnic Intimidation

Popular name: Hate Crimes

750.147c Institutional desecration; violation; felony; penalties; enhanced or alternative sentence; civil action; definitions.

Sec. 147c. (1) A person is guilty of institutional desecration if that person maliciously and intentionally destroys, damages, defaces, or vandalizes, or makes a true threat to destroy, damage, deface, or vandalize, any of the following, in whole or in part, because of the actual or perceived race, color, religion, sex, sexual orientation, gender identity or expression, physical or mental disability, age, ethnicity, or national origin of another individual or group of individuals, regardless of the existence of any additional motivating factors:

- (a) A synagogue, mosque, church, temple, gurdwara, shrine, or other building, structure, or place used for religious worship or other religious purpose.
- (b) A cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead.
- (c) A school, educational facility, library, museum, community center, or campground.
- (d) A business or charitable establishment, storefront, facility, office, or headquarters.
- (e) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure, or place described in subdivision (a), (b), (c), or (d).
- (f) The digital or online assets maintained, authored, rented, or owned by any institution, facility, entity, or place described in subdivision (a), (b), (c), or (d).
- (g) Any personal, communal, or institutional property contained in any institution, facility, building,

structure, or place described in subdivision (a), (b), (c), or (d).

(2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$20,000.00 or more.

(b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5).

(3) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$1,000.00 or more but less than \$20,000.00.

(b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5).

(4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$200.00 or more but less than \$1,000.00.

(b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(5) If the amount of the destruction or injury is less than \$200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

(6) The amounts of the destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total amount of the destruction or injury.

(7) If the prosecuting attorney intends to seek an enhanced sentence based on the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(8) In lieu of or in addition to the penalties described in subsections (4) and (5), the court may, if the defendant consents, impose an alternative sentence described under this subsection. In determining the suitability of an alternative sentence described under this subsection, the court shall consider the criminal history of the offender, the impact of the offense on the victim and wider community, the availability of the alternative sentence, and the nature of the violation. An alternative sentence may, if the entity chosen for community service is amenable, include an order requiring the offender to complete a period of community service intended to enhance the offender's understanding of the impact of the offense on the victim and wider community.

(9) The court may, if the defendant consents, reduce any penalty imposed under subsection (3) by not more than 20% and impose an alternative sentence described under this subsection. In determining the suitability of an alternative sentence described under this subsection, the court shall consider the criminal history of the offender, the impact of the offense on the victim and wider community, the availability of the alternative sentence, and the nature of the violation. An alternative sentence may, if the entity chosen for community service is amenable, include an order requiring the offender to complete a period of community service intended to enhance the offender's understanding of the impact of the offense on the victim and wider community.

(10) Regardless of the existence or outcome of any criminal prosecution, an entity or institution described under subsection (1) that suffers damage or destruction to property may bring a civil cause of action against the person who commits the offense to secure an injunction, actual damages, including damages for infliction of mental injury or emotional distress, or other appropriate relief. A plaintiff who prevails in a civil action

brought pursuant to this section may recover both of the following:

(a) Damages in the amount of 3 times the actual damages described in this subsection or \$25,000.00, whichever is greater.

(b) Reasonable attorney fees and costs.

(11) As used in this section:

(a) "Reckless disregard" means to consciously disregard a substantial and unjustifiable risk that a statement will be viewed as threatening violence.

(b) "True threat" means a statement in which the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, including unlawful property damage to the property of a particular individual or group of individuals. A true threat includes such a communication made with reckless disregard. A speaker is not liable for communicating a true threat if the speaker was unaware that the individual or the group of individuals could regard the statement as threatening violence.

History: Add. 2023, Act 277, Eff. Feb. 13, 2024.

750.148 Civil rights; race or color not to disqualify for jury service.

Sec. 148. Race or color not to disqualify for jury service. No citizen of the state of Michigan, possessing all other qualifications which are or may be prescribed by law, shall be disqualified to serve as grand or petit juror in any court of said state on account of race, creed or color, and any officer or other person charged with any duty in the drawing, summoning, and selection of persons who shall exclude from, fail, neglect and/or refuse, by words, trick and/or artifice, to draw the name of, summon and/or select any citizen for jury service because of his or her race, creed and/or color, shall be guilty of a misdemeanor and upon conviction shall be fined not less than 50 dollars or shall be imprisoned for a period of not less than 30 days, or both such fine and imprisonment in the discretion of the court.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1937, Act 117, Eff. Oct. 29, 1937;—CL 1948, 750.148.

Former law: See section 3 of Act 130 of 1885, being How., § 9074c; CL 1897, § 11761; CL 1915, § 15572; and CL 1929, § 16811.