

HOUSE BILL No. 5368

November 13, 1997, Introduced by Reps. Hale, Kilpatrick, Rison, Bogardus, Leland, Parks, Palamara, Profit, Price, Schroer, Brater, Hanley, Hood, Prusi, Anthony, Scott, Murphy, Schermesser, Gubow, Freeman, Willard, Emerson, Martinez, LaForge, Tesanovich, Vaughn, Stallworth, Basham, Wallace, Griffin, Brewer, Gagliardi, Agee and Baird and referred to the Committee on House Oversight 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 intimidation if
2 that person maliciously ~~, and with~~ DOES ANY OF THE FOLLOWING:
3 (A) WITH specific intent to intimidate or harass another
4 person because of that person's race, color, religion, gender, or
5 national origin, ~~does any of the following: (a) Causes~~ CAUSES
6 physical contact with another person, ~~— (b) Damages~~ DAMAGES,
7 destroys, or defaces any real or personal property of another
8 person, ~~— (c) Threatens~~ OR THREATENS, by word or act, to ~~do~~
9 ENGAGE IN an act described in THIS subdivision ~~(a) or (b),~~ if

1 there is reasonable cause to believe that an act described in
2 THIS subdivision ~~(a) or (b)~~ will occur.

3 (B) USES PICTURES OR WORDS IN A CAMPAIGN FOR ELECTED OFFICE
4 THAT MAKE DEROGATORY INFERENCES ABOUT AN INDIVIDUAL'S RACE,
5 COLOR, RELIGION, GENDER, OR NATIONAL ORIGIN, OR MAKE DEROGATORY
6 INFERENCES ABOUT AN INDIVIDUAL'S ASSOCIATION WITH PERSONS OF
7 ANOTHER RACE, COLOR, RELIGION, GENDER, OR NATIONAL ORIGIN. AS
8 USED IN THIS SUBDIVISION, "CAMPAIGN FOR ELECTED OFFICE" INCLUDES
9 THE PERSON'S OWN CAMPAIGN OR THE CAMPAIGN OF ANOTHER.

10 (2) Ethnic intimidation is a felony punishable by imprison-
11 ment for not more than 2 years, or by a fine of not more than
12 \$5,000.00, or both.

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

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

23 (b) Reasonable attorney fees and costs.