

HOUSE BILL No. 4851

June 17, 2003, Introduced by Reps. Kolb, McConico, Meisner, Minore, Gielegem, Rivet, Tobocman, O'Neil, Condino, Lipsey, Jamnick, Clack, Phillips, Zelenko, Woodward, Accavitti, Paletko, Cheeks, Whitmer, Byrum, Anderson, Farrah and Hardman and referred to the Committee on Criminal Justice.

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~~ **felonious**
2 intimidation if that person maliciously, and with specific intent
3 to intimidate or harass another person because of that person's
4 race, color, religion, gender, **sexual orientation, gender**
5 **identity or expression**, or national origin, does any of the
6 following:

7 (a) Causes physical contact with another person.

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

10 (c) Threatens, by word or act, to do an act described in

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

3 (2) ~~Ethnic~~ **Felonious** intimidation is a felony punishable by
4 imprisonment for not more than 2 years, or by a fine of not more
5 than \$5,000.00, or both.

6 (3) A term of imprisonment imposed for felonious intimidation
7 shall be served in addition to, consecutive with, and before a
8 term of imprisonment imposed for any other felony or attempted
9 felony conviction that arises out of the same transaction or
10 occurrence from which the felonious intimidation conviction
11 arose.

12 (4) ~~(3)~~ Regardless of the existence or outcome of any
13 criminal prosecution, a person who suffers injury to his or her
14 person or damage to his or her property as a result of ~~ethnic~~
15 **felonious** intimidation may bring a civil cause of action against
16 the person who commits the offense to secure an injunction,
17 actual damages, including damages for emotional distress, or
18 other appropriate relief. A plaintiff who prevails in a civil
19 action brought ~~pursuant to~~ **under** this section may recover both
20 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.