

# SENATE BILL No. 411

April 29, 2003, Introduced by Senators BERNERO, JACOBS, BRATER, SCOTT, CLARK-COLEMAN, CHERRY, THOMAS, SCHAUER, SWITALSKI and BASHAM and referred to the Committee on Judiciary.

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.