

HOUSE BILL No. 4954

June 16, 2005, Introduced by Reps. Kolb, McConico, Donigan, Tobocman, Alma Smith, Condino, Lipsey, Leland, Murphy, Byrnes, Anderson, Vagnozzi, Gleason, Meisner, Zelenko, Whitmer, Gonzales, Bieda, Farrah, Cheeks, Lemmons, Jr., Hunter, Hood, Kathleen Law, Waters, Gillard, Gaffney, Wenke, Stewart, Clack and Lemmons, III 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 IDENTITY**
5 **OR EXPRESSION**, or national origin, does any of the following:
6 (a) Causes physical contact with another person.
7 (b) Damages, destroys, or defaces any real or personal
8 property of another person.
9 (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 TERM
8 OF IMPRISONMENT IMPOSED FOR ANY OTHER FELONY OR ATTEMPTED FELONY
9 CONVICTION THAT ARISES OUT OF THE SAME TRANSACTION OR OCCURRENCE
10 FROM WHICH THE FELONIOUS INTIMIDATION CONVICTION AROSE.

11 (4) ~~—(3)—~~ Regardless of the existence or outcome of any
12 criminal prosecution, a person who suffers injury to his or her
13 person or damage to his or her property as a result of ~~—ethnic~~
14 **FELONIOUS** intimidation may bring a civil cause of action against
15 the person who commits the offense to secure an injunction, actual
16 damages, including damages for emotional distress, or other
17 appropriate relief. A plaintiff who prevails in a civil action
18 brought ~~—pursuant to—~~ **UNDER** this section may recover both of the
19 following:

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

22 (b) Reasonable attorney fees and costs.