

SENATE BILL No. 1177

March 21, 2006, Introduced by Senators McMANUS, BIRKHOLZ, CASSIS, CROPSEY, ALLEN, GILBERT, VAN WOERKOM, STAMAS, KUIPERS, GOSCHKA and BROWN and referred to the Committee on Health Policy.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 15A. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
2 THE "COERCIVE ABORTION PREVENTION ACT".

3 (2) A PERSON SHALL NOT DO ANY OF THE FOLLOWING WITH THE INTENT
4 TO COMPEL A PREGNANT FEMALE TO SEEK AN ABORTION:

5 (A) COMMIT, ATTEMPT TO COMMIT, OR CONSPIRE TO COMMIT PHYSICAL
6 HARM TO THE PREGNANT FEMALE.

7 (B) ENGAGE IN A WILLFUL COURSE OF CONDUCT INVOLVING REPEATED
8 OR CONTINUING HARASSMENT OF THE PREGNANT FEMALE THAT WOULD CAUSE
9 HER TO REASONABLY FEEL TERRORIZED, FRIGHTENED, INTIMIDATED,
10 THREATENED, OR HARASSED.

1 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
2 FOLLOWS:

3 (A) FOR A VIOLATION OF SUBSECTION (2) (A):

4 (i) IF THE ACT RESULTS IN THE DEATH OF THE PREGNANT FEMALE, THE
5 PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
6 MORE THAN 15 YEARS OR A FINE OF NOT MORE THAN \$7,500.00, OR BOTH.

7 (ii) IF THE ACT RESULTS IN GREAT BODILY HARM TO THE PREGNANT
8 FEMALE, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT
9 FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR
10 BOTH.

11 (iii) IF THE ACT RESULTS IN SERIOUS OR AGGRAVATED PHYSICAL
12 INJURY TO THE PREGNANT FEMALE, THE PERSON IS GUILTY OF A
13 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS
14 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

15 (iv) IF THE ACT RESULTS IN PHYSICAL INJURY TO THE PREGNANT
16 FEMALE, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
17 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
18 \$500.00, OR BOTH.

19 (B) FOR A VIOLATION OF SUBSECTION (2) (B):

20 (i) EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii), THE PERSON IS
21 GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN
22 \$1,000.00.

23 (ii) IF THE PERSON WAS 18 YEARS OF AGE OR OLDER AND THE
24 PREGNANT FEMALE WAS LESS THAN 18 YEARS OF AGE, THE PERSON IS GUILTY
25 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$2,000.00.

26 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
27 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY CRIME COMMITTED

1 WHILE VIOLATING THIS SECTION.

2 (5) THE COURT MAY ORDER THAT A TERM OF IMPRISONMENT IMPOSED
3 FOR VIOLATING THIS SECTION BE SERVED CONSECUTIVELY TO A TERM OF
4 IMPRISONMENT IMPOSED FOR ANY CRIME COMMITTED WHILE VIOLATING THIS
5 SECTION.

6 (6) AS USED IN THIS SECTION, "HARASSMENT" MEANS CONDUCT
7 DIRECTED TOWARD A PREGNANT FEMALE THAT WOULD CAUSE A REASONABLE
8 INDIVIDUAL TO SUFFER EMOTIONAL DISTRESS AND THAT ACTUALLY CAUSES
9 EMOTIONAL DISTRESS, INCLUDING, BUT NOT LIMITED TO, ANY OF THE
10 FOLLOWING:

11 (A) REPEATEDLY FILING, ATTEMPTING TO FILE, OR THREATENING TO
12 FILE FOR DIVORCE FROM A PREGNANT FEMALE.

13 (B) REPEATEDLY WITHDRAWING, ATTEMPTING TO WITHDRAW, OR
14 THREATENING TO WITHDRAW FINANCIAL SUPPORT FROM A PREGNANT FEMALE
15 THAT HAD PREVIOUSLY BEEN SUPPLIED OR OFFERED.

16 (C) REPEATEDLY CHANGING, ATTEMPTING TO CHANGE, OR THREATENING
17 TO CHANGE AN EXISTING HOUSING OR COHABITATION ARRANGEMENT WITH A
18 PREGNANT FEMALE.