

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

***** 750.213a.added THIS ADDED SECTION IS EFFECTIVE SEPTEMBER 7, 2016 *****

750.213a.added Coercion to have abortion; prohibition; violation; penalty; other violations; definitions.

Sec. 213a. (1) A person having actual knowledge that a female individual is pregnant shall not do any of the following with the intent to coerce her to have an abortion against her will:

(a) Commit, attempt to commit, or threaten to commit any of the following violations against her or any other person:

(i) A violation of section 411h or section 411i.

(ii) An assaultive crime. As used in this subparagraph, "assaultive crime" means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(b) After being informed by a pregnant female that she does not want to obtain an abortion, engage in coercion as that term is defined in section 462a.

(2) For purposes of subsection (1)(b), information that a pregnant female does not want to obtain an abortion includes any fact that would clearly demonstrate to a reasonable person that she is unwilling to comply with a request or demand to have an abortion.

(3) A person who violates this section is guilty of a crime as follows:

(a) For a violation of subsection (1)(a), the person is guilty of a crime punishable in the same manner as for the underlying offense committed, attempted, or threatened.

(b) Except as provided in subdivision (c), for a violation of subsection (1)(b), the person is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00.

(c) If the person is the father or putative father of the unborn child, the pregnant individual is less than 18 years of age at the time of the violation, and the person is 18 years of age or older at the time of the violation, the person is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00.

(4) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law committed while violating this section.

(5) As used in this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

(b) "Threaten" means to make 2 or more statements or to engage in a course of conduct that would cause a reasonable person to believe that the individual is likely to act in accordance with the statements or the course of conduct. Threaten does not include constitutionally protected speech or any generalized statement regarding a lawful pregnancy option.

(c) "Unborn child" means a live human being in utero regardless of his or her gestational stage of development.

History: Add. 2016, Act 149, Eff. Sept. 7, 2016.