



**House
Legislative
Analysis
Section**

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BAR HARASSM'T. OF MIL. PERSONS

House Bill 4290

Sponsor: Rep. Jerry C. Bartnik

House Bill 4291

Sponsor: Rep. Curtis Hertel

House Bill 4292

Sponsor: Rep. Sal Rocca

House Bills 4293 - 4297

Sponsor: Rep. Philip E. Hoffman

House Bill 4298

Sponsor: Rep. David Robertson

House Bill 4299

Sponsor: Rep. Robert DeMars

House Bill 4300

Sponsor: Rep. Lynn Owen

Committee: Military & Veterans Affairs

Complete to 2-21-91

A SUMMARY OF HOUSE BILLS 4290 - 4300 AS INTRODUCED 2-15-91

The bills would amend various acts to make harassment of military personnel a misdemeanor. A person convicted of this offense would be subject to imprisonment and fines, and would be barred from receiving any form of state financial aid for higher education.

House Bill 4294 would amend the Michigan Penal Code (MCL 750.1 et al.) to provide that a person would be guilty of harassment of military personnel if the person, "with specific intent" to harass another person with membership in or affiliation to state or federal armed forces, did any of the following:

- * caused physical contact with the person;
- * damaged, destroyed, or defaced any real or personal property of the person; or
- * threatened, by word or act, to harm the person or his or her property if "reasonable cause" existed to believe such an act would occur.

Penalties. Harassment of military personnel would be a misdemeanor and could be punished by imprisonment for up to 180 days or by a fine of up to \$500, or both. Regardless of the existence or outcome of a criminal prosecution, a person who was harmed, or who had property damaged, due to harassment could bring a civil cause of action against

the perpetrator to secure an injunction, actual damages--including those for "emotional distress"--or other appropriate relief. A plaintiff who won such a civil suit could recover damages amounting to three times the actual damages or \$2,000, whichever was greater, and reasonable attorney fees and costs. A person convicted under the bill's provisions would also be ineligible for any state financial aid for higher education.

House Bill 4294 is tie-barred to House Bills 4290-4293 and 4295-4300, and each of these is tie-barred to House Bill 4294. House Bills 4290-4293 and 4295-4300 would amend acts governing the disbursement of state higher education financial aid through various programs involving loans, grants and tuition waivers (as listed below). Generally, the bills would bar a person--including his or her parents or spouse, if applicable--from receiving financial aid if the person, or his or her parents or spouse, was convicted of harassment of military personnel under House Bill 4294.

<u>Bill No.</u>	<u>MCL</u>	<u>Public Act Name/Description</u>
4290		
	390.1324	PA 303 of 1986 (graduate work study program)
4291	390.1154a, 390.1162	Higher Education Loan Authority Act
4292	390.1404	PA 273 of 1986 (educational opportunity grant program)
4293	390.993	PA 313 of 1966 (grants to resident students of private colleges)
4295	390.1274	PA 105 of 1978 (grants to private college students)
4296	390.974	PA 208 of 1964 (student scholarship program)
4297	390.1304	Legislative Merit Award Program Act
4298	390.1283	PA 102 of 1986 (grants to part-time, independent students)
4299	390.1251	PA 174 of 1976 (tuition waiver program for North American Indians)
4300	390.1374	PA 288 of 1986 (work study program)