

# HOUSE BILL No. 4294

February 15, 1991, Introduced by Reps. Hoffman, Bartnik, DeMars, Owen, Rocca, Hertel and Muxlow and referred to the Committee on Military and Veterans' Affairs.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled  
"The Michigan penal code,"  
as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 147c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding section 147c to read as follows:

4       SEC. 147C. (1) A PERSON IS GUILTY OF HARASSMENT OF MILITARY  
5 PERSONNEL IF THE PERSON WITH SPECIFIC INTENT TO HARASS ANOTHER  
6 PERSON BECAUSE OF THAT PERSON'S MEMBERSHIP IN OR AFFILIATION WITH  
7 THE ARMED FORCES OF THIS STATE OR THE UNITED STATES DOES ANY OF  
8 THE FOLLOWING:

1 (A) CAUSES PHYSICAL CONTACT WITH ANOTHER PERSON.

2 (B) DAMAGES, DESTROYS, OR DEFACES ANY REAL OR PERSONAL  
3 PROPERTY OF ANOTHER PERSON.

4 (C) THREATENS, BY WORD OR ACT, TO DO AN ACT DESCRIBED IN  
5 SUBDIVISION (A) OR (B), IF THERE IS REASONABLE CAUSE TO BELIEVE  
6 THAT AN ACT DESCRIBED IN SUBDIVISION (A) OR (B) WILL OCCUR.

7 (2) HARASSMENT OF MILITARY PERSONNEL IS A MISDEMEANOR PUN-  
8 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS, OR BY A FINE  
9 OF NOT MORE THAN \$500.00, OR BOTH.

10 (3) REGARDLESS OF THE EXISTENCE OR OUTCOME OF ANY CRIMINAL  
11 PROSECUTION, A PERSON WHO SUFFERS INJURY TO HIS OR HER PERSON OR  
12 DAMAGE TO HIS OR HER PROPERTY AS A RESULT OF HARASSMENT OF MILI-  
13 TARY PERSONNEL MAY BRING A CIVIL CAUSE OF ACTION AGAINST THE  
14 PERSON WHO COMMITS THE OFFENSE TO SECURE AN INJUNCTION, ACTUAL  
15 DAMAGES, INCLUDING DAMAGES FOR EMOTIONAL DISTRESS, OR OTHER  
16 APPROPRIATE RELIEF. A PLAINTIFF WHO PREVAILS IN A CIVIL ACTION  
17 BROUGHT PURSUANT TO THIS SECTION MAY RECOVER BOTH OF THE  
18 FOLLOWING:

19 (A) DAMAGES IN THE AMOUNT OF 3 TIMES THE ACTUAL DAMAGES  
20 DESCRIBED IN THIS SUBSECTION OR \$2,000.00, WHICHEVER IS GREATER.

21 (B) REASONABLE ATTORNEY FEES AND COSTS.

22 (4) A PERSON CONVICTED OF HARASSMENT OF MILITARY PERSONNEL  
23 IS INELIGIBLE FOR ANY STATE PROGRAM OF FINANCIAL AID FOR HIGHER  
24 EDUCATION.

25 (5) THIS SECTION DOES NOT PROHIBIT PROSECUTION FOR ANY OTHER  
26 OFFENSE AS PROVIDED BY LAW.

1       Section 2. This amendatory act shall not take effect unless  
2 all of the following bills of the 86th Legislature are enacted  
3 into law:

4       (a) Senate Bill No. \_\_\_\_ or House Bill No. 4296 (request  
5 no. 02319'91 a).

6       (b) Senate Bill No. \_\_\_\_ or House Bill No. 4293 (request  
7 no. 02319'91 b).

8       (c) Senate Bill No. \_\_\_\_ or House Bill No. 4295 (request  
9 no. 02319'91 c).

10      (d) Senate Bill No. \_\_\_\_ or House Bill No. 4297 (request  
11 no. 02319'91 d).

12      (e) Senate Bill No. \_\_\_\_ or House Bill No. 4290 (request  
13 no. 02319'91 e).

14      (f) Senate Bill No. \_\_\_\_ or House Bill No. 4300 (request  
15 no. 02319'91 f).

16      (g) Senate Bill No. \_\_\_\_ or House Bill No. 4292 (request  
17 no. 02319'91 g).

18      (h) Senate Bill No. \_\_\_\_ or House Bill No. 4298 (request  
19 no. 02319'91 h).

20      (i) Senate Bill No. \_\_\_\_ or House Bill No. 4299 (request  
21 no. 02319'91 i).

22      (j) Senate Bill No. \_\_\_\_ or House Bill No. 4291 (request  
23 no. 02319'91 j).