

# HOUSE BILL No. 4330

February 19, 1991, Introduced by Reps. Joe Young, Sr., DeMars, Perry Bullard, Hunter, Stallworth, Harrison, Dobronski and Joe Young, Jr. and referred to the Committee on Judiciary.

A bill to amend the title and sections 103 and 602 of Act No. 453 of the Public Acts of 1976, entitled as amended "Elliott-Larsen civil rights act," section 103 as amended by Act No. 202 of the Public Acts of 1980, being sections 37.2103 and 37.2602 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 103 and 602 of Act  
2 No. 453 of the Public Acts of 1976, section 103 as amended by Act  
3 No. 202 of the Public Acts of 1980, being sections 37.2103 and  
4 37.2602 of the Michigan Compiled Laws, are amended to read as  
5 follows:

## TITLE

An act to define civil rights; to prohibit discriminatory practices, policies, and customs in the exercise of those rights based upon religion, race, color, national origin, age, sex, height, weight, or marital status; to preserve the confidentiality of records regarding arrest, detention, or other disposition in which a conviction does not result; to prescribe the powers and duties of the civil rights commission and the department of civil rights; to provide remedies and penalties; TO PROVIDE FOR THE ACQUISITION AND PUBLICATION OF DATA ON CRIMES MANIFESTING PREJUDICE BASED UPON RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, SEXUAL ORIENTATION, HEIGHT, WEIGHT, OR MARITAL STATUS; and to repeal certain acts and parts of acts.

Sec. 103. As used in this act:

(a) "Age" means chronological age except as otherwise provided by law.

(b) "Commission" means the civil rights commission established by section 29 of article 5 of the state constitution of 1963.

(c) "Commissioner" means a member of the commission.

(d) "Department" means the department of civil rights or its employees.

(e) "National origin" includes the national origin of an ancestor.

(f) "Person" means an individual, agent, association, corporation, joint apprenticeship committee, joint stock company, labor organization, legal representative, mutual company,

1 partnership, receiver, trust, trustee in bankruptcy,  
2 unincorporated organization, the state or a political subdivision  
3 of the state or an agency of the state, or any other legal or  
4 commercial entity.

5 (g) "Political subdivision" means a county, city, village,  
6 township, school district, or special district or authority of  
7 the state.

8 (h) Discrimination because of sex includes sexual harassment  
9 which means unwelcome sexual advances, requests for sexual  
10 favors, and other verbal or physical conduct or communication of  
11 a sexual nature when:

12 (i) Submission to such conduct or communication is made a  
13 term or condition either explicitly or implicitly to obtain  
14 employment, public accommodations or public services, education,  
15 or housing.

16 (ii) Submission to or rejection of such conduct or communi-  
17 cation by an individual is used as a factor in decisions affect-  
18 ing such individual's employment, public accommodations or public  
19 services, education, or housing.

20 (iii) Such conduct or communication has the purpose or  
21 effect of substantially interfering with an individual's employ-  
22 ment, public accommodations or public services, education, or  
23 housing, or creating an intimidating, hostile, or offensive  
24 employment, public accommodations, public services, educational,  
25 or housing environment.

26 (I) "SEXUAL ORIENTATION" MEANS ACTUAL OR ALLEGED  
27 HETEROSEXUALITY, HOMOSEXUALITY, OR BISEXUALITY.

1       Sec. 602. The department shall:

2       (a) Be responsible to the executive director, who shall be  
3 the principal executive officer of the department and shall be  
4 responsible for executing the policies of the commission.

5       (b) Appoint necessary employees and agents and fix their  
6 compensation in accordance with civil service rules. The attor-  
7 ney general shall appear for and represent the department or the  
8 commission in a court having jurisdiction of a matter under this  
9 act.

10      (c) Receive, initiate, investigate, conciliate, adjust, dis-  
11 pose of, issue charges, and hold hearings on complaints alleging  
12 a violation of this act, and approve or disapprove plans to cor-  
13 rect past discriminatory practices which have caused or resulted  
14 in a denial of equal opportunity with respect to ~~groups or~~  
15 ~~persons~~ A GROUP OR PERSON protected by this act.

16      (d) Require answers to interrogatories, order the submission  
17 of books, papers, records, and other materials pertinent to a  
18 complaint, and require the attendance of witnesses, administer  
19 oaths, take testimony, and compel, through court authorization,  
20 compliance with its orders or an order of the commission.

21      (e) Cooperate or contract with persons and state, local, and  
22 other agencies, both public and private, including agencies of  
23 the federal government and of other states.

24      (f) Monitor contracts to insure ~~compliance by a~~ contractor  
25 or ~~a~~ subcontractor COMPLIANCE with a ~~covenant entered into~~  
26 PLAN APPROVED BY THE COMMISSION pursuant to section 210.

1       (G) ACQUIRE DATA FOR EACH CALENDAR YEAR COMMENCING 1991 ON  
2 CRIMES WITHIN THE STATE THAT MANIFEST PREJUDICE BASED ON  
3 RELIGION, RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, SEXUAL ORIENTA-  
4 TION, HEIGHT, WEIGHT, OR MARITAL STATUS. THE DEPARTMENT SHALL  
5 NOT RETAIN DATA THAT CONTAINS INFORMATION THAT MAY REVEAL THE  
6 IDENTITY OF AN INDIVIDUAL VICTIM OF A CRIME ABSENT THE VICTIM'S  
7 WRITTEN CONSENT.

8       (H) ESTABLISH GUIDELINES FOR THE COLLECTION OF DATA  
9 DESCRIBED IN SUBDIVISION (G), INCLUDING THE CRITERIA FOR DETER-  
10 MINING THAT A CRIME MANIFESTED PREJUDICE BASED ON RACE, RELIGION,  
11 SEXUAL ORIENTATION, OR ETHNICITY.

12       (I) PUBLISH AN ANNUAL SUMMARY OF THE DATA ACQUIRED PURSUANT  
13 TO SUBDIVISION (G).