

SENATE BILL No. 719

February 13, 1992, Introduced by Senators GEAKE, DINGELL,
MC MANUS, WELBORN, EMMONS, CISKY, POLLACK, CONROY,
BOUCHARD, HONIGMAN and DI NELLO and referred to the
Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,
entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan
Compiled Laws, by adding section 411h.

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 411h to read as follows:

4 SEC. 411H. (1) A PERSON WHO WILLFULLY, MALICIOUSLY, AND
5 REPEATEDLY FOLLOWS OR HARASSES ANOTHER PERSON AND WHO MAKES A
6 CREDIBLE THREAT AGAINST THAT PERSON OR AGAINST A MEMBER OF THAT
7 PERSON'S FAMILY, OR AGAINST ANOTHER PERSON LIVING IN THAT
8 PERSON'S HOUSEHOLD, IS GUILTY OF THE CRIME OF STALKING IN THE

1 SECOND DEGREE, A FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE
2 THAN 2 YEARS, OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

3 (2) A PERSON WHO VIOLATES SUBSECTION (1) WHEN THERE IS A
4 TEMPORARY RESTRAINING ORDER OR AN INJUNCTION IN EFFECT PROHIBIT-
5 ING THE BEHAVIOR DESCRIBED IN SUBSECTION (1) AGAINST THE SAME
6 PERSON, IS GUILTY OF THE CRIME OF STALKING IN THE FIRST DEGREE, A
7 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR
8 BY A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

9 (3) AS USED IN THIS SECTION:

10 (A) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED
11 OF A SERIES OF ACTS OVER A PERIOD OF TIME, HOWEVER SHORT, EVI-
12 DENCING A CONTINUITY OF PURPOSE. CONSTITUTIONALLY PROTECTED
13 ACTIVITY IS NOT INCLUDED WITHIN THE MEANING OF COURSE OF
14 CONDUCT.

15 (B) "CREDIBLE THREAT" MEANS A THREAT TO KILL OR CAUSE SERI-
16 OUS BODILY INJURY TO ANOTHER PERSON, THAT IS MADE WITH THE INTENT
17 AND THE APPARENT ABILITY TO CARRY OUT THE THREAT, AND THAT CAUSES
18 THE PERSON HEARING OR RECEIVING THE THREAT TO REASONABLY FEAR FOR
19 HIS OR HER SAFETY OR THE SAFETY OF ANOTHER PERSON.

20 (C) "HARASSES" MEANS A WILLFUL AND MALICIOUS COURSE OF CON-
21 DUCT DIRECTED AT A SPECIFIC PERSON THAT SERIOUSLY ALARMS, ANNOYS,
22 OR HARASSES THE PERSON, THAT SERVES NO LEGITIMATE PURPOSE, THAT
23 WOULD CAUSE A REASONABLE PERSON TO SUFFER SUBSTANTIAL EMOTIONAL
24 DISTRESS, AND THAT CAUSES SUBSTANTIAL EMOTIONAL DISTRESS TO THE
25 PERSON.

1 (4) THIS SECTION DOES NOT PROHIBIT AN INDIVIDUAL FROM BEING
2 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR CRIMINAL CONTEMPT
3 THAT IS COMMITTED BY THE PERSON WHILE VIOLATING THIS SECTION.