



# HOUSE BILL No. 6104

September 19, 1996, Introduced by Reps. Gire, Freeman, Martinez, Tesanovich, Brater, Berman, Gubow, Dalman, Bush, Pitoniak, DeMars, Willard, Dobb, Dolan, Middleton, Bobier, Curtis, Harder, Baade, Cherry, LaForge, Brewer, Dobronski, Agee, Prusi, Parks, DeHart, Kelly, Scott, Hanley, Price and Owen and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 411i of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as added by Act No. 261 of the Public Acts of 1992, being section 750.411i of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 411i of Act No. 328 of the Public Acts  
2 of 1931, as added by Act No. 261 of the Public Acts of 1992,  
3 being section 750.411i of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 411i. (1) As used in this section:

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

1 (b) "Credible threat" means a threat to kill another  
2 individual or a threat to inflict physical injury upon another  
3 individual that is made in any manner or in any context that  
4 causes the individual hearing or receiving the threat to reason-  
5 ably fear for his or her safety or the safety of another  
6 individual.

7 (c) "Emotional distress" means significant mental suffering  
8 or distress that may, but does not necessarily require, medical  
9 or other professional treatment or counseling.

10 (d) "Harassment" means conduct directed toward a victim that  
11 includes, but is not limited to, repeated or continuing uncon-  
12 sented contact — that would cause a reasonable individual to  
13 suffer emotional distress — and that actually causes the victim  
14 to suffer emotional distress. Harassment does not include con-  
15 stitutionally protected activity or conduct that serves a legiti-  
16 mate purpose.

17 (e) "Stalking" means a willful course of conduct involving  
18 repeated or continuing harassment of another individual that  
19 would cause a reasonable person to feel terrorized, frightened,  
20 intimidated, threatened, harassed, or molested — and that actu-  
21 ally causes the victim to feel terrorized, frightened, intimidat-  
22 ed, threatened, harassed, or molested.

23 (f) "Unconsented contact" means any contact with another  
24 individual that is initiated or continued without that  
25 individual's consent — or in disregard of that individual's  
26 expressed desire that the contact be avoided or discontinued.

1 Unconsented contact includes, but is not limited to, any of the  
2 following:

3 (i) Following or appearing within the sight of that  
4 individual.

5 (ii) Approaching or confronting that individual in a public  
6 place or on private property.

7 (iii) Appearing at ~~the~~ THAT INDIVIDUAL'S workplace or  
8 residence. ~~of that individual.~~

9 (iv) Entering onto or remaining on property owned, leased,  
10 or occupied by that individual.

11 (v) Contacting that individual by telephone.

12 (vi) Sending mail or electronic communications to that  
13 individual.

14 (vii) Placing an object on, or delivering an object to,  
15 property owned, leased, or occupied by that individual.

16 (g) "Victim" means an individual who is the target of a  
17 willful course of conduct involving repeated or continuing  
18 harassment.

19 (2) An individual who engages in stalking is guilty of  
20 aggravated stalking if the violation involves any of the follow-  
21 ing circumstances:

22 (a) The actions constituting the offense are in violation of  
23 a restraining order and the individual has received actual notice  
24 of that restraining order ~~—~~ or the actions are in violation of  
25 an injunction or preliminary injunction.

1 (b) The actions constituting the offense are in violation of  
2 a condition of probation, a condition of pretrial release, or a  
3 condition of release on bond pending appeal.

4 (c) The course of conduct includes the making of 1 or more  
5 credible threats against the victim, a member of the victim's  
6 family, or another individual living in the victim's household.

7 (d) The defendant has been previously convicted of a viola-  
8 tion of this section or section 411h.

9 (E) THE DEFENDANT HAS BEEN PREVIOUSLY CONVICTED OF A VIOLA-  
10 TION OF SECTION 540E.

11 (F) THE DEFENDANT HAS BEEN PREVIOUSLY CONVICTED OF A VIOLA-  
12 TION OF SECTION 81, 81A, 82, 83, 84, OR 86, OR A LOCAL ORDINANCE  
13 SUBSTANTIALLY CORRESPONDING TO SECTION 81 IN WHICH THE VICTIM WAS  
14 THE DEFENDANT'S SPOUSE OR FORMER SPOUSE, AN INDIVIDUAL WITH WHOM  
15 THE DEFENDANT HAS HAD A CHILD IN COMMON, OR A RESIDENT OF THE  
16 SAME HOUSEHOLD AS THE DEFENDANT.

17 (3) Aggravated stalking is a felony — punishable by  
18 imprisonment for not more than 5 years or a fine of not more than  
19 \$10,000.00, or both.

20 (4) The court may place an individual convicted of violating  
21 this section on probation for any term of years, but not less  
22 than 5 years. If a term of probation is ordered, the court may,  
23 in addition to any other lawful condition of probation, order the  
24 defendant to do any of the following:

25 (a) Refrain from stalking any individual during the term of  
26 probation.

1 (b) Refrain from any contact with the victim of the  
2 offense.

3 (c) Be evaluated to determine the need for psychiatric, psy-  
4 chological, or social counseling ~~—~~ and, if determined appropri-  
5 ate by the court, to receive psychiatric, psychological, or  
6 social counseling at his or her own expense.

7 (5) In a prosecution for a violation of this section, evi-  
8 dence that the defendant continued to engage in a course of con-  
9 duct involving repeated unconsented contact with the victim after  
10 having been requested by the victim to discontinue the same or a  
11 different form of unconsented contact, and to refrain from any  
12 further unconsented contact with the victim, ~~shall give~~ GIVES  
13 rise to a rebuttable presumption that the continuation of the  
14 course of conduct caused the victim to feel terrorized, fright-  
15 ened, intimidated, threatened, harassed, or molested.

16 (6) A criminal penalty provided for under this section may  
17 be imposed in addition to any penalty that may be imposed for any  
18 other criminal offense arising from the same conduct or for con-  
19 tempt of court arising from the same conduct.