



SENATE BILL No. 714

September 28, 1995, Introduced by Senators STALLINGS and O'BRIEN 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 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 SHALL NOT DO ANY OF THE FOLLOWING
5 WITH THE INTENT TO DESTROY A SUBSTANTIAL PART OF A NATIONAL,
6 ETHNIC, RACIAL, OR RELIGIOUS GROUP:

7 (A) KILL A MEMBER OF THAT GROUP.

8 (B) CAUSE SERIOUS BODILY INJURY TO A MEMBER OF THAT GROUP.

1 (C) CAUSE PERMANENT IMPAIRMENT OF A MENTAL FACULTY OF A
2 MEMBER OF THAT GROUP THROUGH THE USE OF A DRUG, TORTURE, OR OTHER
3 SUBSTANTIALLY SIMILAR TECHNIQUE.

4 (D) SUBJECT A MEMBER OF THE GROUP TO AN INHUMANE CONDITION
5 OF LIFE.

6 (E) IMPOSE A MEASURE INTENDED TO PREVENT A BIRTH WITHIN THE
7 GROUP.

8 (F) TRANSFER OR ATTEMPT TO TRANSFER A CHILD OF THAT GROUP TO
9 ANY OTHER GROUP BY FORCE.

10 (2) A PERSON WHO VIOLATES SUBSECTION (1)(A) IS GUILTY OF
11 IMMINENT LAWLESS ACTION IN THE FIRST DEGREE, A FELONY PUNISHABLE
12 BY IMPRISONMENT FOR LIFE OR FOR ANY TERM OF YEARS OR A FINE OF
13 NOT MORE THAN \$1,000,000.00, OR BOTH.

14 (3) A PERSON WHO VIOLATES SUBSECTION (1)(B) TO (F) IS GUILTY
15 OF IMMINENT LAWLESS ACTION IN THE SECOND DEGREE, A FELONY PUNISH-
16 ABLE BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT
17 MORE THAN \$10,000.00, OR BOTH.

18 (4) A PERSON WHO DIRECTLY AND PUBLICLY INCITES ANOTHER
19 PERSON TO COMMIT A VIOLATION DESCRIBED IN SUBSECTION (1)(A) TO
20 (F) UNDER CIRCUMSTANCES IN WHICH THERE IS A SUBSTANTIAL LIKELI-
21 HOOD THAT THE VIOLATION WILL BE COMMITTED IS GUILTY OF INCITEMENT
22 TO COMMIT IMMINENT UNLAWFUL ACTION, A FELONY PUNISHABLE BY
23 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT MORE THAN
24 \$10,000.00, OR BOTH.

25 (5) AS USED IN THIS SECTION:

26 (A) "CHILD" MEANS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

1 (B) "ETHNIC GROUP" MEANS A GROUP OF INDIVIDUALS WHOSE
2 IDENTITY IS DISTINCTIVE BY COMMON CULTURAL HERITAGE OR
3 TRADITIONS.

4 (C) "NATIONAL GROUP" MEANS A GROUP OF INDIVIDUALS WHOSE
5 IDENTITY IS DISTINCTIVE BY NATIONALITY OR NATIONAL ORIGINS.

6 (D) "RELIGIOUS GROUP" MEANS A GROUP OF INDIVIDUALS WHOSE
7 IDENTITY IS DISTINCTIVE BY COMMON RELIGIOUS CREED, BELIEFS, DOC-
8 TRINES, PRACTICES, OR RITUALS.

9 (E) "SUBSTANTIAL PART" MEANS A PART OF A GROUP OF SUCH
10 NUMERICAL SIGNIFICANCE THAT THE DESTRUCTION OR LOSS OF THAT PART
11 OF THE GROUP WOULD CAUSE THE DESTRUCTION OF THE GROUP AS A WHOLE
12 AS A VIABLE ENTITY.