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HATE CRIMES BASED ON SEXUAL ORIENTATION

House Bill 4412

Sponsor: Rep. Lynne Martinez

Committee: Constitutional Law and Ethics

Complete to 3-30-99

A SUMMARY OF HOUSE BILL 4412 AS INTRODUCED 3-11-99

Public Act 371 of 1988 added the crime of "ethnic intimidation" to the Michigan Penal Code. Under this provision of the penal code (Section 147b), a person is guilty of the crime of ethnic intimidation if he or she maliciously -- and with specific intent to intimidate or harass another person because of that person's race, religion, gender, or national origin -- does any of the following: (a) causes physical contact with another person, (b) damages, destroys, or defaces any real or personal property of another person, or (c) threatens (by word or act) to make physical contact or damage property, if there is reasonable cause to believe that the threatened act will occur. Ethnic intimidation is a felony punishable by up to 2 years' imprisonment, a fine of up to \$5,000, or both.

The bill would amend this section of the penal code to change references to "ethnic intimidation" to "felonious intimidation" and to add sexual orientation to the list of characteristics covered under this section of the penal code. The bill also would require that imprisonment for a felonious intimidation crime under the penal code be served in addition to ("in addition to, consecutive with, and before") any other term of imprisonment imposed for any other felony (or attempted felony) conviction that resulted from the "hate" crime ("the same transaction or occurrence") conviction.

MCL 750.147b

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