

FELONIOUS INTIMIDATION

House Bill 4662

Sponsor: Rep. Chris Kolb

House Bill 4663

Sponsor: Rep. Bill McConico

Committee: Criminal Justice

Complete to 7-10-01

A SUMMARY OF HOUSE BILLS 4662 AND 4663 AS INTRODUCED 4-24-01

Currently, the Michigan Penal Code prohibits ethnic intimidation and classifies it as a felony punishable by imprisonment for up to two years, a fine of up to \$5,000, or both. A person is guilty of ethnic intimidation if she or he maliciously, and with specific intent to intimidate or harass another person because of that person's race, religion, gender or national origin, did any of the following: caused physical contact; damaged real or personal property; and, threatened by word or act to make physical contact or damage property, if there were reasonable cause to believe that the threatened act would occur. Further, a person who suffers injury to his or her person or damage to his or her property as a result of ethnic intimidation may bring a civil action against the person who committed the offense.

House Bill 4662 would amend the Michigan Penal Code (MCL 750.147b) to rename the offense "felonious intimidation" and expand the prohibition to include intimidation based on sexual orientation. Further, the bill would specify that a term of imprisonment that was imposed for felonious intimidation would have to be served in addition to, consecutive with, and before a term of imprisonment that was imposed for any other felony or attempted felony conviction that arose out of the same transaction or occurrence from which the felonious intimidation conviction arose. In effect, therefore, the bill would add up to two more years on a person's term of imprisonment for a criminal action that also involved felonious intimidation.

House Bill 4663 would amend the Code of Criminal Procedure (MCL 777.16g) and is tie-barred to House Bill 4662. Currently, the code specifies that ethnic intimidation is a Class G felony against a person with a maximum sentence of imprisonment of two years. The bill would refer instead to felonious intimidation.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.