

**CRIMINAL INTIMIDATION:
EXPAND SCOPE**

House Bill 4851
Sponsor: Rep. Chris Kolb

House Bill 4852
Sponsor: Bill McConico

Committee: Criminal Justice

Complete to 9-18-03

A SUMMARY OF HOUSE BILLS 4851 AND 4852 AS INTRODUCED 6-17-03

The bills would change the crime of “ethnic intimidation” to “felonious intimidation” and include harassment based on sexual orientation and gender identity or expression. The bills are tie-barred to each other.

Currently, ethnic intimidation is a felony punishable by up to two years imprisonment, a fine of not more than \$5,000, or both. An individual is guilty of ethnic intimidation if he or she maliciously, and with specific intent to intimidate or harass another person because of that person’s race, color, religion, gender, or national origin, does any of the following:

- Causes physical contact with another person.
- Damages, destroys, or defaces any real or personal property of another person.
- Threatens, by word or act, to do one or both of the above acts, if there is reasonable cause to believe that such an act will occur.

In addition, a victim of ethnic intimidation can bring a civil action against the offender to recover damages for personal injuries and/or property damage. Recoverable damages include reasonable attorney fees and costs and damages in the amount of three times the actual damage or \$2,000, whichever was greater.

House Bill 4851 would amend the Michigan Penal Code (MCL 750.147b) to change “ethnic intimidation” to “felonious intimidation” and to expand the scope of the crime to include intimidation or harassment based on a person’s sexual orientation and gender identity or expression. The penalties would remain the same, as would the allowable damage amounts in a civil action.

House Bill 4852 would amend the corresponding sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16g) to change the terminology from a crime of “ethnic intimidation” to a crime of “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.