

# SENATE BILL No. 929

December 8, 2005, Introduced by Senators BRATER, BERNERO, JACOBS, CLARKE, THOMAS, SCOTT, EMERSON and LELAND and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 147b (MCL 750.147b), as added by 1988 PA 371.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 147b. (1) A person is guilty of ~~ethnic~~ **FELONIOUS**  
2       intimidation if that person maliciously, and with specific intent  
3       to intimidate or harass another person because of that person's  
4       race, color, religion, gender, **SEXUAL ORIENTATION, GENDER IDENTITY**  
5       **OR EXPRESSION**, or national origin, does any of the following:

6           (a) Causes physical contact with another person.

7           (b) Damages, destroys, or defaces any real or personal  
8       property of another person.

9           (c) Threatens, by word or act, to do an act described in

1 subdivision (a) or (b), if there is reasonable cause to believe  
2 that an act described in subdivision (a) or (b) will occur.

3 (2) ~~Ethnic~~ **FELONIOUS** intimidation is a felony punishable by  
4 imprisonment for not more than 2 years, or by a fine of not more  
5 than \$5,000.00, or both.

6 (3) **A TERM OF IMPRISONMENT IMPOSED FOR FELONIOUS INTIMIDATION**  
7 **SHALL BE SERVED IN ADDITION TO, CONSECUTIVE WITH, AND BEFORE A TERM**  
8 **OF IMPRISONMENT IMPOSED FOR ANY OTHER FELONY OR ATTEMPTED FELONY**  
9 **CONVICTION THAT ARISES OUT OF THE SAME TRANSACTION OR OCCURRENCE**  
10 **FROM WHICH THE FELONIOUS INTIMIDATION CONVICTION AROSE.**

11 (4) ~~—(3)—~~ Regardless of the existence or outcome of any  
12 criminal prosecution, a person who suffers injury to his or her  
13 person or damage to his or her property as a result of ~~ethnic~~  
14 **FELONIOUS** intimidation may bring a civil cause of action against  
15 the person who commits the offense to secure an injunction, actual  
16 damages, including damages for emotional distress, or other  
17 appropriate relief. A plaintiff who prevails in a civil action  
18 brought ~~pursuant to~~ **UNDER** this section may recover both of the  
19 following:

20 (a) Damages in the amount of 3 times the actual damages  
21 described in this subsection or \$2,000.00, whichever is greater.

22 (b) Reasonable attorney fees and costs.