

SENATE BILL No. 610

June 27, 2007, Introduced by Senators CLARKE, BRATER, JACOBS, HUNTER, BASHAM, WHITMER, ANDERSON and SCHAUER 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 criminal
12 prosecution, a person who suffers injury to his or her person or
13 damage to his or her property as a result of ~~ethnic~~**FELONIOUS**
14 intimidation may bring a civil cause of action against the person
15 who commits the offense to secure an injunction, actual damages,
16 including damages for emotional distress, or other appropriate
17 relief. A plaintiff who prevails in a civil action brought ~~pursuant~~
18 ~~to~~**UNDER** this section may recover both of the following:

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

21 (b) Reasonable attorney fees and costs.