

# HOUSE BILL No. 4598

April 18, 2013, Introduced by Reps. Price, Rendon, Jenkins, O'Brien, Lyons, LaFontaine, Kowall, McBroom, Haveman, MacMaster, Genetski, Howrylak, Johnson, Poleski, Goike, Shirkey, Leonard, Cotter, Lori, Hooker, Kurtz, Daley, Outman, Muxlow, Yonker, Zorn, MacGregor, McMillin and Potvin and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 213a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 213A. (1) A PERSON HAVING ACTUAL KNOWLEDGE THAT A FEMALE**  
2           **INDIVIDUAL IS PREGNANT SHALL NOT DO ANY OF THE FOLLOWING WITH THE**  
3           **INTENT TO COERCE HER TO HAVE AN ABORTION AGAINST HER WILL:**

4           **(A) COMMIT, ATTEMPT TO COMMIT, OR THREATEN TO COMMIT ANY OF**  
5           **THE FOLLOWING VIOLATIONS AGAINST HER OR ANY OTHER PERSON:**

6           **(i) A VIOLATION OF SECTION 411H OR SECTION 411I.**

7           **(ii) AN ASSAULTIVE CRIME. AS USED IN THIS SUBPARAGRAPH,**

8           **"ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF**  
9           **CHAPTER X OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL**  
10           **770.9A.**

1 (B) AFTER BEING INFORMED BY A PREGNANT FEMALE THAT SHE DOES  
2 NOT WANT TO OBTAIN AN ABORTION, ANY OF THE FOLLOWING:

3 (i) DISCONTINUE, ATTEMPT TO DISCONTINUE, OR THREATEN TO  
4 DISCONTINUE SUPPORT THAT THE PERSON HAS A LEGAL RESPONSIBILITY TO  
5 PROVIDE OR REDUCE THAT SUPPORT TO A LEVEL BELOW HIS OR HER LEGAL  
6 RESPONSIBILITY.

7 (ii) WITHDRAW, ATTEMPT TO WITHDRAW, OR THREATEN TO WITHDRAW  
8 FROM A CONTRACT OR AGREEMENT OR OTHERWISE VIOLATE THE TERMS OF THAT  
9 CONTRACT OR AGREEMENT HAVING PREVIOUSLY ENTERED INTO A CONTRACT OR  
10 OTHER LEGALLY BINDING AGREEMENT TO WHICH THE PREGNANT FEMALE IS A  
11 PARTY OR BENEFICIARY.

12 (iii) DISCHARGE OR THREATEN TO DISCHARGE HER FROM EMPLOYMENT.

13 (2) FOR PURPOSES OF SUBSECTION (1) (B), INFORMATION THAT A  
14 PREGNANT FEMALE DOES NOT WANT TO OBTAIN AN ABORTION INCLUDES ANY  
15 STATEMENT OR ACT, INCLUDING INACTION, THAT WOULD CLEARLY  
16 DEMONSTRATE TO A REASONABLE PERSON THAT SHE IS UNWILLING TO COMPLY  
17 WITH A REQUEST OR DEMAND TO HAVE AN ABORTION.

18 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS  
19 FOLLOWS:

20 (A) FOR A VIOLATION OF SUBSECTION (1) (A), THE PERSON IS GUILTY  
21 OF A CRIME PUNISHABLE IN THE SAME MANNER AS FOR THE UNDERLYING  
22 OFFENSE COMMITTED, ATTEMPTED, OR THREATENED.

23 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), FOR A VIOLATION OF  
24 SUBSECTION (1) (B), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE  
25 BY A FINE OF NOT MORE THAN \$5,000.00.

26 (C) IF THE PERSON IS THE FATHER OR PUTATIVE FATHER OF THE  
27 UNBORN CHILD, THE PREGNANT INDIVIDUAL IS LESS THAN 18 YEARS OF AGE

1 AT THE TIME OF THE VIOLATION, AND THE PERSON IS 18 YEARS OF AGE OR  
2 OLDER AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A  
3 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00.

4 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING  
5 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF  
6 LAW COMMITTED WHILE VIOLATING THIS SECTION.

7 (5) THE COURT MAY ORDER A TERM OF IMPRISONMENT IMPOSED FOR  
8 VIOLATING THIS SECTION TO BE SERVED CONSECUTIVELY TO ANY OTHER TERM  
9 OF IMPRISONMENT IMPOSED FOR A VIOLATION OF LAW COMMITTED WHILE  
10 VIOLATING THIS SECTION.

11 (6) AS USED IN THIS SECTION:

12 (A) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF  
13 A SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS EVIDENCING A  
14 CONTINUITY OF PURPOSE.

15 (B) "THREATEN" MEANS TO MAKE 2 OR MORE STATEMENTS OR TO ENGAGE  
16 IN A COURSE OF CONDUCT THAT WOULD CAUSE A REASONABLE PERSON TO  
17 BELIEVE THAT THE INDIVIDUAL IS LIKELY TO ACT IN ACCORDANCE WITH THE  
18 STATEMENTS OR THE COURSE OF CONDUCT. THREATEN DOES NOT INCLUDE  
19 CONSTITUTIONALLY PROTECTED SPEECH OR ANY GENERALIZED STATEMENT  
20 REGARDING A LAWFUL PREGNANCY OPTION.

21 (C) "UNBORN CHILD" MEANS A LIVE HUMAN BEING IN UTERO  
22 REGARDLESS OF HIS OR HER GESTATIONAL STAGE OF DEVELOPMENT.

23 Enacting section 1. This amendatory act takes effect 90 days  
24 after the date it is enacted.