

# SENATE BILL No. 121

February 8, 2017, Introduced by Senators BIEDA, JONES, HOPGOOD, GREGORY, KNEZEK, HERTEL, ROCCA, CONYERS, WARREN and ANANICH and referred to the Committee on Government Operations.

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 intimidation if  
2       that person maliciously, and with specific intent to intimidate or  
3       harass another person because of that person's race, color,  
4       religion, gender, **GENDER IDENTIFICATION, SEXUAL ORIENTATION**, or  
5       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  
10       subdivision (a) or (b), if there is reasonable cause to believe  
11       that an act described in subdivision (a) or (b) will occur.

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

4           (3) Regardless of the existence or outcome of any criminal  
5 prosecution, a person who suffers injury to his or her person or  
6 damage to his or her property as a result of ethnic intimidation  
7 may bring a civil cause of action against the person who commits  
8 the offense to secure an injunction, actual damages, including  
9 damages for emotional distress, or other appropriate relief. A  
10 plaintiff who prevails in a civil action brought pursuant to this  
11 section may recover both of the following:

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

14           (b) Reasonable attorney fees and costs.

15           Enacting section 1. This amendatory act takes effect 90 days  
16 after the date it is enacted into law.