

HOUSE BILL No. 5369

November 13, 1997, Introduced by Reps. Hale, Kilpatrick, Rison, Bogardus, Leland, Parks, Palamara, Profit, Price, Schroer, Brater, Hanley, Hood, Prusi, Anthony, Scott, Murphy, Schermesser, Willard, Emerson, Martinez, LaForge, Tesanovich, Vaughn, Stallworth, Basham, Wallace, Griffin, Gagliardi, Agee and Baird and referred to the Committee on House Oversight and Ethics.

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
3 or harass another person because of that person's race, color,
4 religion, gender, or national origin, does any of the following:
5 (a) Causes physical contact with another person.
6 (b) Damages, destroys, or defaces any real or personal prop-
7 erty of another person.
8 (c) Threatens, by word or act, to do an act described in
9 subdivision (a) or (b), if there is reasonable cause to believe
10 that an act described in subdivision (a) or (b) will occur.

1 (2) Ethnic intimidation is a felony punishable by
2 imprisonment for not more than 2 years, or by a fine of not more
3 than \$5,000.00, or both. ADDITIONALLY, IF THE PERSON WHO VIO-
4 LATES THIS SECTION IS A CANDIDATE FOR ELECTED OFFICE OR ACTING AS
5 THE AGENT OF A CANDIDATE FOR ELECTED OFFICE AT THE TIME HE OR SHE
6 ENGAGES IN AN ACT OF ETHNIC INTIMIDATION, THE COURT SHALL ENJOIN
7 THE EXPENDITURE OF MONEY FROM ANY CAMPAIGN FUND OF THE CANDIDATE
8 UNTIL AFTER THE ELECTION FOR WHICH THE CAMPAIGN FUND WAS
9 ESTABLISHED. AS USED IN THIS SUBSECTION, "CAMPAIGN FUND" MEANS A
10 FUND ESTABLISHED UNDER SECTION 21 OF THE MICHIGAN CAMPAIGN
11 FINANCE ACT, 1976 PA 388, MCL 169.221.

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