

HOUSE BILL NO. 5085

June 22, 2021, Introduced by Reps. Bolden, Anthony, Puri, Morse, Neeley, Brabec, Pohutsky, Hope, Tyrone Carter, Cavanagh, Young, Aiyash, Camilleri, Cynthia Johnson, Lasinski, Rabhi, LaGrand, Stone, Kuppa, Ellison, Weiss, Koleszar, Hood, Manoogian, Tate, Rogers, Whitsett, Breen, O'Neal, Thanedar, Brixie, Coleman, Brenda Carter, Jones and Yancey and referred to the Committee on Judiciary.

A bill to create the Michigan anti-lynching act; to define certain terms; to prohibit lynching and other specified activities; to prescribe penalties; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as the
- 2 "Michigan anti-lynching act".
- 3 Sec. 2. As used in this act:
- 4 (a) "Legal representative" means the executor, administrator,
- 5 or other person that manages a deceased individual's affairs.

1 (b) "Lynching" means an act of violence by a mob against an
2 individual that results in the death of the individual.

3 (c) "Mob" means an assemblage of more than 1 individual acting
4 in a violent and disorderly manner, defying the law, and
5 committing, or threatening to commit, depredation of property or
6 violence to other individuals.

7 Sec. 3. (1) Each member of a mob that participates in a
8 lynching is guilty of a felony punishable by imprisonment for life
9 without the possibility of parole.

10 (2) An individual who aids or abets, or is an accessory to a
11 lynching is guilty of a felony punishable by imprisonment for life
12 without the possibility of parole.

13 Sec. 5. An individual who hangs a noose, knowing it to be a
14 symbol representing a threat to life, on the private property of
15 another, without authorization, for the purpose of terrorizing the
16 owner or occupant of that private property or in reckless disregard
17 of the risk of terrorizing the owner or occupant of that private
18 property, or who hangs a noose, knowing it to be a symbol
19 representing a threat to life, on the property of a school, college
20 campus, public park, or place of employment, for the purpose of
21 terrorizing any person who attends or works at the school, park, or
22 place of employment, or who is otherwise associated with the
23 school, park, or place of employment, is guilty of a misdemeanor
24 punishable as follows:

25 (a) For a first conviction by imprisonment for not more than 1
26 year or a fine of not more than \$5,000.00, or both.

27 (b) For a second or subsequent conviction by imprisonment for
28 not more than 1 year or a fine of not more than \$15,000.00, or
29 both.

1 Sec. 7. (1) The legal representative of the victim of a
2 lynching has a cause of action for damages against each member of a
3 mob that participated in the lynching.

4 (2) The county, in which a lynching occurs, may recover from
5 each member of the mob the amount of a judgment and costs rendered
6 against each member in favor of the legal representative of the
7 lynching victim. An individual present, with hostile intent, at a
8 lynching is a member of the mob and is liable under this section.

9 (3) An action for recovery under this section must be
10 commenced within 2 years of the date of the lynching.