

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2016**

Introduced by Reps. Price, Heise, Aaron Miller, Hooker, Johnson, Rendon, Runestad, Kesto, Gamrat, Jenkins, Chatfield, Crawford, Lauwers, McBroom, Inman, Barrett, Cox, Howrylak, Potvin, Theis and Glenn

ENROLLED HOUSE BILL No. 4787

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” (MCL 750.1 to 750.568) by adding section 213a.

The People of the State of Michigan enact:

Sec. 213a. (1) A person having actual knowledge that a female individual is pregnant shall not do any of the following with the intent to coerce her to have an abortion against her will:

(a) Commit, attempt to commit, or threaten to commit any of the following violations against her or any other person:

(i) A violation of section 411h or section 411i.

(ii) An assaultive crime. As used in this subparagraph, “assaultive crime” means that term as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a.

(b) After being informed by a pregnant female that she does not want to obtain an abortion, engage in coercion as that term is defined in section 462a.

(2) For purposes of subsection (1)(b), information that a pregnant female does not want to obtain an abortion includes any fact that would clearly demonstrate to a reasonable person that she is unwilling to comply with a request or demand to have an abortion.

(3) A person who violates this section is guilty of a crime as follows:

(a) For a violation of subsection (1)(a), the person is guilty of a crime punishable in the same manner as for the underlying offense committed, attempted, or threatened.

(b) Except as provided in subdivision (c), for a violation of subsection (1)(b), the person is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00.

(c) If the person is the father or putative father of the unborn child, the pregnant individual is less than 18 years of age at the time of the violation, and the person is 18 years of age or older at the time of the violation, the person is guilty of a misdemeanor punishable by a fine of not more than \$10,000.00.

(4) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law committed while violating this section.

(5) As used in this section:

(a) "Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

(b) "Threaten" means to make 2 or more statements or to engage in a course of conduct that would cause a reasonable person to believe that the individual is likely to act in accordance with the statements or the course of conduct. Threaten does not include constitutionally protected speech or any generalized statement regarding a lawful pregnancy option.

(c) "Unborn child" means a live human being in utero regardless of his or her gestational stage of development.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor