

SUBSTITUTE FOR
HOUSE BILL NO. 4476

A bill to amend 1976 PA 453, entitled "Elliott-Larsen civil rights act," by amending sections 103 and 301 (MCL 37.2103 and 37.2301), section 103 as amended by 1992 PA 124 and section 301 as amended by 1992 PA 70.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. As used in this act:

2 (a) "Age" means chronological age except as otherwise pro-
3 vided by law.

4 (b) "Commission" means the civil rights commission estab-
5 lished by section 29 of article ~~5~~ V of the state constitution
6 of 1963.

7 (c) "Commissioner" means a member of the commission.

8 (d) "Department" means the department of civil rights or its
9 employees.

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1 (e) "Familial status" means 1 or more individuals under the
2 age of 18 residing with a parent or other person having custody
3 or in the process of securing legal custody of the individual or
4 individuals or residing with the designee of the parent or other
5 person having or securing custody, with the written permission of
6 the parent or other person. For purposes of this definition,
7 "parent" includes a person who is pregnant.

8 (f) "National origin" includes the national origin of an
9 ancestor.

10 (g) "Person" means an individual, agent, association, corpo-
11 ration, joint apprenticeship committee, joint stock company,
12 labor organization, legal representative, mutual company, part-
13 nership, receiver, trust, trustee in bankruptcy, unincorporated
14 organization, the state or a political subdivision of the state
15 or an agency of the state, or any other legal or commercial
16 entity, BUT DOES NOT INCLUDE AN INDIVIDUAL SERVING A SENTENCE OF
17 IMPRISONMENT IN A STATE OR COUNTY CORRECTIONAL FACILITY IN THIS
18 STATE OR IN ANOTHER STATE, OR IN A FEDERAL CORRECTIONAL
19 FACILITY [, UNLESS THE SENTENCE OF SUCH AN INDIVIDUAL IS LATER
OVERTURNED OR UNLESS BOTH OF THE FOLLOWING CONDITIONS ARE
ESTABLISHED:
(i) A CLAIM UNDER THIS ACT ACCRUED PRIOR TO THE SENTENCING.
(ii) A CLAIM UNDER THIS ACT IS UNRELATED TO A PERSON'S STATUS
AS A PRISONER OR INMATE].

20 (h) "Political subdivision" means a county, city, village,
21 township, school district, or special district or authority of
22 the state.

23 (i) Discrimination because of sex includes sexual
24 harassment. ~~which~~ SEXUAL HARASSMENT means unwelcome sexual
25 advances, requests for sexual favors, and other verbal or physi-
26 cal conduct or communication of a sexual nature ~~when~~ UNDER THE
27 FOLLOWING CONDITIONS:

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1 (i) Submission to ~~such~~ THE conduct or communication is
2 made a term or condition either explicitly or implicitly to
3 obtain employment, public accommodations or public services, edu-
4 cation, or housing.

5 (ii) Submission to or rejection of ~~such~~ THE conduct or
6 communication by an individual is used as a factor in decisions
7 affecting ~~such~~ THE individual's employment, public accommoda-
8 tions or public services, education, or housing.

9 (iii) ~~Such~~ THE conduct or communication has the purpose or
10 effect of substantially interfering with an individual's employ-
11 ment, public accommodations or public services, education, or
12 housing, or creating an intimidating, hostile, or offensive
13 employment, public accommodations, public services, educational,
14 or housing environment.

15 Sec. 301. As used in this article:

16 (a) "Place of public accommodation" means a business, or an
17 educational, refreshment, entertainment, recreation, health, or
18 transportation facility, or institution of any kind, whether
19 licensed or not, whose goods, services, facilities, privileges,
20 advantages, or accommodations are extended, offered, sold, or
21 otherwise made available to the public. Place of public accommo-
22 dation also includes the facilities of the following private
23 clubs:

24 (i) A country club or golf club.

25 (ii) A boating or yachting club.

26 (iii) A sports or athletic club.

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1 (iv) A dining club, except a dining club that in good faith
2 limits its membership to the members of a particular religion for
3 the purpose of furthering the teachings or principles of that
4 religion —, and not for the purpose of excluding individuals of
5 a particular gender, race, or color.

6 (b) "Public service" means a public facility, department,
7 agency, board, or commission, owned, operated, or managed by or
8 on behalf of the state, a political subdivision, or an agency
9 thereof —, or a tax exempt private agency established to provide
10 service to the public, EXCEPT THAT PUBLIC SERVICE DOES NOT
11 INCLUDE A STATE OR COUNTY CORRECTIONAL FACILITY WITH RESPECT TO
12 ACTIONS AND DECISIONS REGARDING AN INDIVIDUAL SERVING A SENTENCE
13 OF IMPRISONMENT.

14 Enacting section 1. This amendatory act is curative and
15 intended to correct any misinterpretation of legislative intent.
16 This legislation further expresses the original intent of the
17 legislature that an individual serving a sentence of imprisonment
18 in a state or county correctional facility is not within the pur-
19 view of this act.

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