

HOUSE BILL No. 4525

March 10, 2009, Introduced by Reps. Opsommer, Rick Jones, Moss, Kurtz, Daley, McMillin, Pearce, Sheltroun, Schuitmaker, Calley, Booher, Lori, Lund, Agema, Meltzer, Genetski, Mayes, Meekhof, Kowall and LeBlanc and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 15a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 15A. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS
2 THE "COERCIVE ABORTION PREVENTION ACT".

3 (2) AS USED IN THIS SECTION:

4 (A) "COMPEL A PREGNANT FEMALE TO SEEK AN ABORTION" MEANS AN
5 ACT, ATTEMPTED ACT, OR THREAT TO ACT BY A PERSON THAT IS
6 CONDITIONED UPON THE PREGNANT FEMALE DISREGARDING OR REFUSING THE
7 PERSON'S DEMAND THAT SHE SEEK AN ABORTION.

8 (B) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF
9 A SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS EVIDENCING A
10 CONTINUITY OF PURPOSE.

11 (C) "FAMILY OR HOUSEHOLD MEMBER" MEANS THAT TERM AS DEFINED IN

1 SECTION 1 OF 1978 PA 389, MCL 400.1501.

2 (D) "THREAT" MEANS 2 OR MORE STATEMENTS, OR A COURSE OF
3 CONDUCT, BY AN INDIVIDUAL THAT WOULD CAUSE A REASONABLE PERSON TO
4 BELIEVE THAT THE INDIVIDUAL IS LIKELY TO ACT IN ACCORDANCE WITH THE
5 STATEMENTS OR AS IMPLIED BY THE COURSE OF CONDUCT. THREAT DOES NOT
6 INCLUDE CONSTITUTIONALLY PROTECTED SPEECH OR ANY GENERALIZED
7 STATEMENT REGARDING A LAWFUL PREGNANCY OPTION, INCLUDING, BUT NOT
8 LIMITED TO, AN EMOTIONAL EXPRESSION BY A FAMILY OR HOUSEHOLD MEMBER
9 OF THE PREGNANT FEMALE.

10 (E) "UNBORN CHILD" MEANS A LIVE HUMAN BEING IN UTERO
11 REGARDLESS OF ITS GESTATIONAL STAGE OF DEVELOPMENT.

12 (3) A PERSON WHO HAS ACTUAL KNOWLEDGE THAT A FEMALE INDIVIDUAL
13 IS PREGNANT SHALL NOT DO ANY OF THE FOLLOWING WITH THE INTENT TO
14 COMPEL A PREGNANT FEMALE TO SEEK AN ABORTION:

15 (A) COMMIT OR ATTEMPT TO COMMIT AN ACT PROSCRIBED UNDER
16 SECTION 81, 81A, 83, 84, 86, OR 411H AGAINST THE PREGNANT FEMALE OR
17 A FAMILY OR HOUSEHOLD MEMBER.

18 (B) FILE OR ATTEMPT TO FILE FOR A DIVORCE FROM THE PREGNANT
19 FEMALE.

20 (C) WITHDRAW OR ATTEMPT TO WITHDRAW FINANCIAL SUPPORT FROM THE
21 PREGNANT FEMALE THAT HAD PREVIOUSLY BEEN SUPPLIED OR OFFERED TO THE
22 PREGNANT FEMALE.

23 (D) CHANGE OR ATTEMPT TO CHANGE AN EXISTING HOUSING OR
24 COHABITATION ARRANGEMENT WITH THE PREGNANT FEMALE.

25 (E) THREATEN TO ENGAGE IN CONDUCT PROSCRIBED UNDER SUBDIVISION
26 (B), (C), OR (D).

27 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME OR

1 RESPONSIBLE FOR A STATE CIVIL INFRACTION AS FOLLOWS:

2 (A) FOR AN ACT OR ATTEMPT TO ACT IN VIOLATION OF SUBSECTION
3 (3) (A), THE PERSON IS GUILTY OF A CRIME PUNISHABLE BY THE SAME
4 PENALTY AS FOR THE VIOLATION OF SECTION 81, 81A, 83, 84, 86, OR
5 411H.

6 (B) EXCEPT AS PROVIDED IN SUBDIVISION (D), FOR A VIOLATION OF
7 SUBSECTION (3) (B), (C), OR (D), THE PERSON IS GUILTY OF A
8 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$2,000.00.

9 (C) EXCEPT AS PROVIDED IN SUBDIVISION (D), FOR A VIOLATION OF
10 SUBSECTION (3) (E), THE PERSON IS RESPONSIBLE FOR A STATE CIVIL
11 INFRACTION AND MAY BE FINED NOT MORE THAN \$1,000.00.

12 (D) IF A VIOLATION OF SUBSECTION (3) (B), (C), (D), OR (E) IS
13 COMMITTED BY THE FATHER OR PUTATIVE FATHER OF THE UNBORN CHILD
14 AGAINST A PREGNANT FEMALE WHO IS LESS THAN 18 YEARS OF AGE, AND THE
15 FATHER OR PUTATIVE FATHER IS 18 YEARS OF AGE OR OLDER, THE FATHER
16 OR PUTATIVE FATHER IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
17 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN
18 \$5,000.00, OR BOTH.

19 (5) UPON THE REQUEST OF THE PREGNANT FEMALE, A LAW ENFORCEMENT
20 AGENCY INVESTIGATING A VIOLATION OF THIS SECTION SHALL NOTIFY THE
21 PREGNANT FEMALE NOT LESS THAN 24 HOURS BEFORE INITIALLY CONTACTING
22 THE PERSON ALLEGED TO HAVE VIOLATED THIS SECTION.

23 (6) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
24 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY CRIME COMMITTED
25 WHILE VIOLATING THIS SECTION.

26 (7) THE COURT MAY ORDER THAT A TERM OF IMPRISONMENT IMPOSED
27 FOR VIOLATING THIS SECTION BE SERVED CONSECUTIVELY TO A TERM OF

1 IMPRISONMENT IMPOSED FOR ANY CRIME COMMITTED WHILE VIOLATING THIS
2 SECTION.

3 (8) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

4 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
5 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

6 Enacting section 1. This amendatory act takes effect October
7 1, 2009.