

SENATE BILL No. 1174

June 7, 2012, Introduced by Senators JOHNSON, GREGORY, BIEDA, WARREN, HOPGOOD, YOUNG, HOOD, WHITMER, GLEASON, SMITH and ANDERSON and referred to the Committee on Government Operations.

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 or
3 harass another person because of that person's race, color,
4 religion, gender, **GENDER IDENTITY OR EXPRESSION, SEXUAL**
5 **ORIENTATION**, or national origin, does any of the following:

6 (a) Causes physical contact with another person.

7 (b) Damages, destroys, or defaces any real or personal
8 property of another person.

9 (c) Threatens, by word or act, to do an act described in
10 subdivision (a) or (b), if there is reasonable cause to believe
11 that an act described in subdivision (a) or (b) will occur.

1 (2) Ethnic intimidation is a felony punishable by imprisonment
2 for not more than 2 years, or by a fine of not more than \$5,000.00,
3 or both.

4 (3) Regardless of the existence or outcome of any criminal
5 prosecution, a person who suffers injury to his or her person or
6 damage to his or her property as a result of ethnic intimidation
7 may bring a civil cause of action against the person who commits
8 the offense to secure an injunction, actual damages, including
9 damages for emotional distress, or other appropriate relief. A
10 plaintiff who prevails in a civil action brought ~~pursuant to~~ **UNDER**
11 this section may recover both of the following:

12 (a) Damages in the amount of 3 times the actual damages
13 described in this subsection or \$2,000.00, whichever is greater.

14 (b) Reasonable attorney fees and costs.