

SUBSTITUTE FOR
HOUSE BILL NO. 4787

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 213a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 213A. (1) A PERSON HAVING ACTUAL KNOWLEDGE THAT A FEMALE
2 INDIVIDUAL IS PREGNANT SHALL NOT DO ANY OF THE FOLLOWING WITH THE
3 INTENT TO COERCE HER TO HAVE AN ABORTION AGAINST HER WILL:

4 (A) COMMIT, ATTEMPT TO COMMIT, OR THREATEN TO COMMIT ANY OF
5 THE FOLLOWING VIOLATIONS AGAINST HER OR ANY OTHER PERSON:

6 (i) A VIOLATION OF SECTION 411H OR SECTION 411I.

7 (ii) AN ASSAULTIVE CRIME. AS USED IN THIS SUBPARAGRAPH,
8 "ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF
9 CHAPTER X OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
10 770.9A.

11 (B) AFTER BEING INFORMED BY A PREGNANT FEMALE THAT SHE DOES

1 NOT WANT TO OBTAIN AN ABORTION, ENGAGE IN COERCION AS THAT TERM IS
2 DEFINED IN SECTION 462A.

3 (2) FOR PURPOSES OF SUBSECTION (1) (B), INFORMATION THAT A
4 PREGNANT FEMALE DOES NOT WANT TO OBTAIN AN ABORTION INCLUDES ANY
5 FACT THAT WOULD CLEARLY DEMONSTRATE TO A REASONABLE PERSON THAT SHE
6 IS UNWILLING TO COMPLY WITH A REQUEST OR DEMAND TO HAVE AN
7 ABORTION.

8 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CRIME AS
9 FOLLOWS:

10 (A) FOR A VIOLATION OF SUBSECTION (1) (A), THE PERSON IS GUILTY
11 OF A CRIME PUNISHABLE IN THE SAME MANNER AS FOR THE UNDERLYING
12 OFFENSE COMMITTED, ATTEMPTED, OR THREATENED.

13 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), FOR A VIOLATION OF
14 SUBSECTION (1) (B), THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE
15 BY A FINE OF NOT MORE THAN \$5,000.00.

16 (C) IF THE PERSON IS THE FATHER OR PUTATIVE FATHER OF THE
17 UNBORN CHILD, THE PREGNANT INDIVIDUAL IS LESS THAN 18 YEARS OF AGE
18 AT THE TIME OF THE VIOLATION, AND THE PERSON IS 18 YEARS OF AGE OR
19 OLDER AT THE TIME OF THE VIOLATION, THE PERSON IS GUILTY OF A
20 MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000.00.

21 (4) THIS SECTION DOES NOT PROHIBIT THE PERSON FROM BEING
22 CHARGED WITH, CONVICTED OF, OR PUNISHED FOR ANY OTHER VIOLATION OF
23 LAW COMMITTED WHILE VIOLATING THIS SECTION.

24 (5) AS USED IN THIS SECTION:

25 (A) "COURSE OF CONDUCT" MEANS A PATTERN OF CONDUCT COMPOSED OF
26 A SERIES OF 2 OR MORE SEPARATE NONCONTINUOUS ACTS EVIDENCING A
27 CONTINUITY OF PURPOSE.

1 (B) "THREATEN" MEANS TO MAKE 2 OR MORE STATEMENTS OR TO ENGAGE
2 IN A COURSE OF CONDUCT THAT WOULD CAUSE A REASONABLE PERSON TO
3 BELIEVE THAT THE INDIVIDUAL IS LIKELY TO ACT IN ACCORDANCE WITH THE
4 STATEMENTS OR THE COURSE OF CONDUCT. THREATEN DOES NOT INCLUDE
5 CONSTITUTIONALLY PROTECTED SPEECH OR ANY GENERALIZED STATEMENT
6 REGARDING A LAWFUL PREGNANCY OPTION.

7 (C) "UNBORN CHILD" MEANS A LIVE HUMAN BEING IN UTERO
8 REGARDLESS OF HIS OR HER GESTATIONAL STAGE OF DEVELOPMENT.

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