



# SENATE BILL No. 1035

June 30, 2015, Introduced by Senators BIEDA, JONES, HERTEL and ROCCA 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 IDENTIFICATION, SEXUAL ORIENTATION**, or  
5 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.

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

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

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

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

17 (b) Reasonable attorney fees and costs.

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