

HOUSE BILL No. 5421

January 8, 1992, Introduced by Reps. Fitzgerald, Nye, Power, Bandstra, Munsell, Martin, Hoekman, Willis Bullard, Johnson, Strand, Horton, Bobier, McNutt, Dalman and Hoffman and referred to the Committee on Judiciary.

A bill to amend section 2950 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
as added by Act No. 228 of the Public Acts of 1983, being section 600.2950 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2950 of Act No. 236 of the Public Acts
2 of 1961, as added by Act No. 228 of the Public Acts of 1983,
3 being section 600.2950 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 2950. (1) A person may, by commencing an independent
6 action for the purpose of obtaining relief under this section, or
7 by joining a claim to an existing action, petition the circuit
8 court to restrain or enjoin a spouse, a former spouse, or a

1 person residing or having resided in the same household as the
2 victim from doing 1 or more of the following:

3 (a) Entering onto premises.

4 (b) Assaulting, beating, molesting, or wounding a named
5 person.

6 (C) THREATENING TO KILL OR PHYSICALLY INJURE A NAMED PERSON.

7 (D) ~~(c)~~ Removing minor children from the person having
8 legal custody of the children, except as otherwise authorized by
9 a custody or visitation order issued by a court of competent
10 jurisdiction.

11 (2) A court shall not issue an injunction under subsection
12 (1)(a) if all of the following apply:

13 (a) The defendant is not the spouse of the moving party.

14 (b) The defendant has a property interest in the premises.

15 (c) The moving party has no property interest in the
16 premises.

17 (3) An order issued under subsection (1) ~~which~~ THAT com-
18 plies with the requirements of section 15b of chapter IV of the
19 code of criminal procedure, Act No. 175 of the Public Acts of
20 1927, being section 764.15b of the Michigan Compiled Laws, ~~shall~~
21 ~~be~~ IS enforceable under that section.

22 (4) An order issued under subsection (1) ~~which~~ THAT meets
23 the requirements of subsection (3) shall be served personally on
24 the person to be restrained.

25 (5) The clerk of the court issuing an order under
26 subsection (1) ~~which~~ THAT meets the requirements of
27 subsection (3) shall file a true copy and proof of service of the

1 order with the law enforcement agency having jurisdiction of the
2 area in which the moving party resides.

3 (6) A person who refuses or fails to comply with an order
4 issued under subsection (1) ~~which~~ THAT meets the requirements
5 of subsection (3) is subject to the criminal contempt powers of
6 the court and, if found guilty, shall be imprisoned for not more
7 than 90 days and may be fined not more than \$500.00.

8 (7) An order issued under subsection (1) ~~shall~~ IS also
9 ~~be~~ enforceable under chapter 17.

10 (8) This section ~~shall~~ DOES not apply if the moving party
11 has filed an action for annulment, divorce, or separate mainte-
12 nance and may obtain a preliminary injunctive order against a
13 spouse or an injunctive order against the other party under sec-
14 tion 14 of chapter 84 of the Revised Statutes of 1846, being sec-
15 tion 552.14 of the Michigan Compiled Laws.

16 Section 2. This amendatory act shall not take effect unless
17 all of the following bills of the 86th Legislature are enacted
18 into law:

19 (a) Senate Bill No. _____ or House Bill
20 No. 5422 (request no. 04687'91).

21 (b) Senate Bill No. _____ or House Bill
22 No. 5420 (request no. 04687'91 a).