

HOUSE BILL No. 5546

February 20, 1992, Introduced by Reps. Dobb, Martin, Gire, Banks, Sikkema, Dolan, Olshove, Dalman, Willis Bullard, Goss, Shugars, Sparks, Bender, Power, Johnson, London, Gilmer, Middleton, Brackenridge, Bandstra, Gernaat, Gubow, Profit, Nye, Randall, McBryde, Perry Bullard, Emerson, Bennane, Kosteva, Clack, Gubow and Berman 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 SERIOUSLY PHYSICALLY INJURE A
7 NAMED PERSON.

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

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

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

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

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

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

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

26 (5) The clerk of the court issuing an order under
27 subsection (1) ~~which~~ THAT meets the requirements of

1 subsection (3) shall file a true copy and proof of service of the
2 order with the law enforcement agency having jurisdiction of the
3 area in which the moving party resides.

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

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

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

17 Section 2. This amendatory act shall not take effect unless
18 Senate Bill No. _____ or House Bill No. 5549 (request
19 no. 04575'91) of the 86th Legislature is enacted into law.