

HOUSE BILL No. 5562

February 26, 1992, Introduced by Reps. Yokich, Hertel, Gubow, DeMars, Baade, Byrum, Gire and Pitoniak and referred to the Committee on Judiciary.

A bill to amend sections 81 and 81a of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," being sections 750.81 and 750.81a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 81 and 81a of Act No. 328 of the Public
2 Acts of 1931, being sections 750.81 and 750.81a of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 81. (1) ~~Assault and assault and battery~~ Any person
5 ~~who shall be convicted of~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
6 A PERSON WHO COMMITS an assault or ~~an assault and~~ A battery
7 ~~where no other punishment is prescribed shall be~~ IS guilty of a
8 misdemeanor, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
9 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

1 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
2 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS, IF
3 ALL OF THE FOLLOWING APPLY:

4 (A) THE VICTIM OF THE VIOLATION IS THE PERSON'S SPOUSE OR
5 FORMER SPOUSE, OR AN INDIVIDUAL RESIDING OR HAVING RESIDED IN THE
6 SAME HOUSEHOLD AS THE PERSON.

7 (B) THE PERSON HAS PREVIOUSLY BEEN CONVICTED FOR A VIOLATION
8 OF SUBSECTION (1) OR SECTION 81A IN WHICH THE VICTIM WAS THE
9 PERSON'S SPOUSE OR FORMER SPOUSE, OR AN INDIVIDUAL RESIDING OR
10 HAVING RESIDED IN THE SAME HOUSEHOLD AS THE PERSON.

11 Sec. 81a. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (2), A
12 person who ~~shall assault another~~ BATTERS AN INDIVIDUAL without
13 ~~any~~ A weapon and ~~inflict~~ WHO INFLICTS serious or aggravated
14 injury upon the ~~person of another~~ INDIVIDUAL without intending
15 to commit the crime of murder ~~, and without intending~~ OR to
16 inflict great bodily harm less than the crime of murder ~~, shall~~
17 ~~be~~ IS guilty of a misdemeanor, punishable by imprisonment ~~in~~
18 ~~the county jail or the state prison~~ for ~~a period of~~ not more
19 than 1 year ~~, or~~ A fine of NOT MORE THAN \$500.00, or both.

20 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A
21 FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS, IF
22 ALL OF THE FOLLOWING APPLY:

23 (A) THE VICTIM OF THE VIOLATION IS THE PERSON'S SPOUSE OR
24 FORMER SPOUSE, OR AN INDIVIDUAL RESIDING OR HAVING RESIDED IN THE
25 SAME HOUSEHOLD AS THE PERSON.

26 (B) THE PERSON HAS PREVIOUSLY BEEN CONVICTED FOR A VIOLATION
27 OF SUBSECTION (1) OR SECTION 81 IN WHICH THE VICTIM WAS THE

1 PERSON'S SPOUSE OR FORMER SPOUSE, OR AN INDIVIDUAL RESIDING OR
2 HAVING RESIDED IN THE SAME HOUSEHOLD AS THE PERSON.