

SENATE BILL No. 411

July 11, 1991, Introduced by Senator DINGELL and referred
to the Committee on Family Law, Criminal Law, and
Corrections.

A bill to amend section 14 of chapter 84 of the Revised
Statutes of 1846, entitled
"Of divorce,"
as amended by Act No. 229 of the Public Acts of 1983, being sec-
tion 552.14 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of chapter 84 of the Revised Statutes
2 of 1846, as amended by Act No. 229 of the Public Acts of 1983,
3 being section 552.14 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 14. (1) After the filing of a complaint in an action
6 to annul a marriage or for a divorce or separate maintenance, the
7 court may, at any time on the motion of a party, prohibit the
8 other party from imposing any restraint on the former's personal
9 liberty during the pendency of the action.

1 (2) A preliminary injunctive order issued under subsection
2 (1) shall state on its face the period of time for which the
3 order is valid and shall specifically restrain or enjoin the
4 other party from doing 1 or more of the following:

5 (a) Entering onto premises.

6 (b) Assaulting, beating, molesting, or wounding a named
7 person.

8 (c) Removing minor children from a spouse having legal cus-
9 tody of the children, in violation of custody and visitation
10 orders as issued by the court.

11 (3) On the motion of a party, before entry of a judgment of
12 divorce or separate maintenance or decree of annulment, regard-
13 less of whether a preliminary injunctive order has been issued
14 under subsection (1), the court may enter, at the same time as a
15 judgment of divorce or separate maintenance or decree of annul-
16 ment is granted, an injunctive order which states on its face the
17 period of time for which the order is valid and which specifi-
18 cally restrains or enjoins the other party from doing 1 or more
19 of the following:

20 (a) Entering onto premises.

21 (b) Assaulting, beating, molesting, or wounding a named
22 person.

23 (c) Removing minor children from the person having legal
24 custody of the children, in violation of custody and visitation
25 orders as issued by the court.

26 (4) The clerk of the court ~~which~~ THAT issues an order
27 under subsection (1) or (3) shall file a true copy of the order

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

3 (5) A person who refuses or fails to comply with an order
4 issued pursuant to subsection (1) or (3) is subject to the con-
5 tempt powers of the court and, if found guilty, shall be impris-
6 oned for not more than 90 days and may be fined not more than
7 \$500.00.

8 (6) An order issued pursuant to subsection (1) or (3) which
9 complies with the requirements of section 15b of chapter IV of
10 the code of criminal procedure, Act No. 175 of the Public Acts of
11 1927, being section 764.15b of the Michigan Compiled Laws, shall
12 also be enforceable under that section.

13 (7) UPON ENTRY OF AN ORDER UNDER SUBSECTION (1) OR (3) OR
14 UPON ENTRY OF AN ORDER THAT AMENDS AN ORDER ENTERED UNDER SUBSEC-
15 TION (1) OR (3), IF THE ORDER RESTRAINS OR ENJOINS A PERSON FROM
16 PURCHASING OR POSSESSING A FIREARM, THE CLERK OF THE COURT THAT
17 ISSUED THE ORDER SHALL IMMEDIATELY FILE A REPORT WITH THE DEPART-
18 MENT OF MENTAL HEALTH THAT CONTAINS THE NAME OF THE PERSON WHO IS
19 RESTRAINED OR ENJOINED IN THE ORDER AND OTHER INFORMATION CON-
20 CERNING THE ORDER THAT THE DEPARTMENT OF MENTAL HEALTH CONSIDERS
21 NECESSARY. THE DEPARTMENT OF MENTAL HEALTH SHALL USE THE INFOR-
22 MATION OBTAINED FROM A REPORT FILED UNDER THIS SUBSECTION AND
23 SUBSECTION (8) AS PROVIDED IN SECTION 2B OF ACT NO. 372 OF THE
24 PUBLIC ACTS OF 1927, BEING SECTION 28.422B OF THE MICHIGAN
25 COMPILED LAWS. A REPORT FILED WITH THE DEPARTMENT OF MENTAL
26 HEALTH UNDER THIS SUBSECTION AND SUBSECTION (8) SHALL BE ON A

1 FORM PRESCRIBED BY THE DEPARTMENT OF MENTAL HEALTH AND APPROVED
2 BY THE STATE COURT ADMINISTRATOR.

3 (8) UPON ENTRY OF AN ORDER VACATING AN ORDER THAT WAS
4 ENTERED UNDER SUBSECTION (1) OR (3) AND WAS REPORTED TO THE
5 DEPARTMENT UNDER SUBSECTION (7), THE CLERK OF THE COURT THAT
6 ISSUED THE ORDER SHALL IMMEDIATELY REPORT THE NAME OF THE PERSON
7 WHO WAS RESTRAINED OR ENJOINED IN THE ORDER AND OTHER INFORMATION
8 CONCERNING THE ORDER THAT THE DEPARTMENT OF MENTAL HEALTH CONSID-
9 ERS NECESSARY TO THE DEPARTMENT OF MENTAL HEALTH.

10 (9) BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE DATE
11 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE CLERK OF
12 THE CIRCUIT COURT FOR EACH COUNTY SHALL EXAMINE THE CIRCUIT COURT
13 RECORDS FOR THE TIME PERIOD BETWEEN JANUARY 1, 1930 AND THE
14 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION
15 AND FILE A REPORT WITH THE DEPARTMENT OF MENTAL HEALTH UNDER
16 SUBSECTION (7) OR (8), AS APPLICABLE, FOR EACH PERSON THE COURT
17 WOULD HAVE FILED A REPORT FOR UNDER SUBSECTION (7) OR (8), AS
18 APPLICABLE, IF THIS SECTION HAD BEEN IN EFFECT DURING THAT PERIOD
19 OF TIME.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. 407

22 of the 86th Legislature is enacted into law.