HOUSE BILL No. 5808

September 14 1994, Introduced by Reps Crissman Middleton, Dolan, LeTarte, Weeks, McBryde Jersevic Horton Nye Fitzgerald Goschka, Gire, Voorhees, Martin Hammerstrom, McNutt Hill Munsell Sikkema Johnson, Berman Bobier Walberg, Stille Dalman Dobb Jamian, Gernaat McManus Cropsey, Galloway Whyman Vorva Gnodtke and Gustafson and referred to the Committee on Judiciary

A bill to amend section 14 of chapter 84 of the Revised

Statutes of 1846, entitled

"Of divorce,"

as amended by Act No 57 of the Public Acts of 1994, being

section 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 57 of the Public Acts of 1994,

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 BY ENTERING A PERSONAL

1 PROTECTION ORDER UNDER SECTIONS 2950 AND 2950A OF THE REVISED

2 JUDICATURE ACT OF 1961 ACT NO 236 OF THE PUBLIC ACTS OF 1961

3 BEING SECTIONS 600 2950 AND 600 2950A OF THE MICHIGAN COMPILED

4 LAWS

5   ~~(2) A preliminary injunctive order issued under subsection~~

6 ~~(1) shall state on its face the period of time for which the~~

7 ~~order is valid and shall specifically restrain or enjoin the~~

8 ~~other party from doing 1 or more of the following~~

9   ~~(a) Entering onto premises~~

10   ~~(b) Assaulting, beating, molesting, or wounding a named~~

11 ~~individual~~

12   ~~(c) Threatening to kill or physically injure a named~~

13 ~~individual~~

14   ~~(d) Removing minor children from a spouse having legal cus-~~

15 ~~tody of the children, in violation of custody and visitation~~

16 ~~orders as issued by the court~~

17   (2) ~~(3)~~ On the motion of a party before entry of a judg-

18 ment of divorce or separate maintenance or decree of annulment,

19 regardless of whether a preliminary injunctive order has been

20 issued under subsection (1), the court may enter, at the same

21 time as a judgment of divorce or separate maintenance or decree

22 of annulment is granted, ~~an injunctive~~ A PERSONAL PROTECTION

23 order ~~that states on its face the period of time for which the~~

24 ~~order is valid and that specifically restrains or enjoins the~~

25 ~~other party from doing 1 or more of the following~~ UNDER

26 SECTIONS 2950 AND 2950A OF THE REVISED JUDICATURE ACT OF 1961,

1 ACT NO 236 OF THE PUBLIC ACTS OF 1961 BEING SECTIONS 600 2950

2 AND 600 2950A OF THE MICHIGAN COMPILED LAWS

3   ~~(a) Entering onto premises~~

4   ~~(b) Assaulting, beating, molesting, or wounding a named~~

5 ~~individual~~

6   ~~(c) Threatening to kill or physically injure a named~~

7 ~~individual~~

8   ~~(d) Removing minor children from the individual having legal~~

9 ~~custody of the children, in violation of custody and visitation~~

10 ~~orders as issued by the court~~

11   ~~(4) The clerk of the court that issues an order under sub-~~

12 ~~section (1) or (3) shall file a true copy of the order with the~~

13 ~~law enforcement agency having jurisdiction of the area in which~~

14 ~~the moving party resides~~

15   ~~(5) An individual who refuses or fails to comply with an~~

16 ~~order issued pursuant to subsection (1) or (3) is subject to the~~

17 ~~contempt powers of the court and, if found guilty, shall be~~

18 ~~imprisoned for not more than 90 days and may be fined not more~~

19 ~~than $500 00~~

20   ~~(6) An order issued pursuant to subsection (1) or (3) that~~

21 ~~meets the requirements of section 15b of chapter IV of the code~~

22 ~~of criminal procedure, Act No 175 of the Public Acts of 1927,~~

23 ~~being section 764 15b of the Michigan Compiled Laws, is also~~

24 ~~enforceable under that section~~

25   Section 2 This amendatory act shall take effect January 1,

26 1995