



# SENATE BILL No. 975

January 18, 1994, Introduced by Senators Dingell, Welborn, Dillingham, Kelly, Cherry, Arthurhultz and Cisky and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to amend sections 2950 and 2950a of Act No 236 of the Public Acts of 1961, entitled as amended  
"Revised judicature act of 1961,"

section 2950 as added by Act No 228 of the Public Acts of 1983 and section 2950a as added by Act No 262 of the Public Acts of 1992, being sections 600 2950 and 600 2950a of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 2950 and 2950a of Act No 236 of the  
2 Public Acts of 1961, section 2950 as added by Act No 228 of the  
3 Public Acts of 1983 and section 2950a as added by Act No 262 of  
4 the Public Acts of 1992, being sections 600 2950 and 600 2950a of  
5 the Michigan Compiled Laws, are amended to read as follows

6 Sec 2950 (1) ~~A person may, by~~ BY commencing an  
7 independent action for the purpose of obtaining relief under this

1 section, or by joining a claim to an existing action, A PERSON  
2 MAY petition the circuit court to restrain or enjoin a spouse, a  
3 former spouse, or a person residing or having resided in the same  
4 household as the victim 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 the person having legal  
9 custody of the children, except as otherwise authorized by a cus-  
10 tody or visitation order issued by a court of competent  
11 jurisdiction

12 (D) PURCHASING OR POSSESSING A FIREARM

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

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

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

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

19 (3) An order issued under subsection (1) ~~which~~ THAT com-  
20 plies with the requirements of section 15b of chapter IV of the  
21 code of criminal procedure, Act No 175 of the Public Acts of  
22 1927, being section 764 15b of the Michigan Compiled Laws, ~~shall~~  
23 ~~be~~ IS enforceable under that section

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

1 (5) The clerk of the court issuing an order under  
2 subsection (1) ~~which~~ THAT meets the requirements of  
3 subsection (3) shall file a true copy and proof of service of the  
4 order with the law enforcement agency having jurisdiction of the  
5 area in which the moving party resides

6 (6) A person who refuses or fails to comply with an order  
7 issued under subsection (1) ~~which~~ THAT meets the requirements  
8 of subsection (3) is subject to the criminal contempt powers of  
9 the court and, if found guilty, shall be imprisoned for not more  
10 than 90 days and may be fined not more than \$500 00

11 (7) An order issued under subsection (1) ~~shall~~ IS also  
12 ~~be~~ enforceable under chapter 17

13 (8) This section ~~shall~~ DOES not apply if the moving party  
14 has filed an action for annulment, divorce, or separate mainte-  
15 nance and may obtain a preliminary injunctive order against a  
16 spouse or an injunctive order against the other party under  
17 section 14 of chapter 84 of the Revised Statutes of 1846, being  
18 section 552 14 of the Michigan Compiled Laws

19 (9) UPON ENTRY OF AN ORDER ISSUED UNDER SUBSECTION (1)(D)  
20 THE COURT SHALL IMMEDIATELY ORDER THE DEPARTMENT OF STATE POLICE  
21 TO ENTER THE ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK

22 (10) UPON ENTRY OF AN ORDER RESCINDING AN ORDER ISSUED UNDER  
23 SUBSECTION (1)(D) AND ENTERED INTO THE LAW ENFORCEMENT INFORMA-  
24 TION NETWORK UNDER SUBSECTION (9), THE COURT SHALL IMMEDIATELY  
25 ORDER THE DEPARTMENT OF STATE POLICE TO REMOVE FROM THE LAW  
26 ENFORCEMENT INFORMATION NETWORK THE ORDER ISSUED UNDER SUBSECTION

1 (1) (D) AND ENTERED INTO THE LAW ENFORCEMENT INFORMATION NETWORK  
2 UNDER SUBSECTION (9)

3 (11) THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER  
4 AN ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK OR SHALL  
5 IMMEDIATELY REMOVE AN ORDER FROM THE LAW ENFORCEMENT INFORMATION  
6 NETWORK AS ORDERED BY THE COURT UNDER THIS SECTION

7 (12) BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE  
8 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE CIR-  
9 CUIT COURT FOR EACH COUNTY SHALL EXAMINE THE CIRCUIT COURT  
10 RECORDS FOR THE 1-YEAR PERIOD OF TIME BEFORE THE EFFECTIVE DATE  
11 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND ENTER AN  
12 ORDER UNDER SUBSECTION (9) FOR EACH PERSON FOR WHOM THE COURT  
13 WOULD HAVE ENTERED AN ORDER UNDER SUBSECTION (9) IF THIS SECTION  
14 HAD BEEN IN EFFECT DURING THAT PERIOD OF TIME THIS SUBSECTION  
15 ONLY APPLIES IF THE PERSON IS STILL SUBJECT TO THE RESTRAINING OR  
16 INJUNCTIVE ORDER FOR WHICH AN ORDER WOULD HAVE BEEN ENTERED UNDER  
17 SUBSECTION (9)

18 Sec 2950a (1) ~~An individual may, by~~ BY commencing an  
19 independent action to obtain relief under this section, or by  
20 joining a claim to an existing action, AN INDIVIDUAL MAY petition  
21 the circuit court to restrain or enjoin an individual from engag-  
22 ing in conduct that is prohibited under section 411h or 411i of  
23 the Michigan penal code, Act No 328 of the Public Acts of 1931,  
24 being sections 750 411h and 750 411i of the Michigan Compiled  
25 Laws Relief may be sought and granted under this section  
26 whether or not the individual to be restrained or enjoined has

1 been charged or convicted under section 411h or 411i of Act  
2 No 328 of the Public Acts of 1931 for the alleged violation

3 (2) An order issued under subsection (1) shall include all  
4 of the following

5 (a) A statement that the order has been entered pursuant to  
6 this section to enjoin or restrain conduct prohibited under  
7 section 411h or 411i of the Michigan penal code, Act No 328 of  
8 the Public Acts of 1931, being sections 750 411h and 750 411i of  
9 the Michigan Compiled Laws

10 (b) A statement listing the type or types of conduct  
11 restrained or enjoined

12 (c) A statement of the period of time for which the order is  
13 valid

14 (d) A statement that violation of the order will subject the  
15 individual restrained or enjoined to immediate arrest and the  
16 civil and criminal contempt powers of the court, and that if he  
17 or she is found guilty of criminal contempt, he or she shall be  
18 imprisoned for not more than 90 days and may be fined not more  
19 than \$500 00

20 (3) An order issued under subsection (1) shall be personally  
21 served on the individual to be restrained, and proof of service  
22 shall be filed with the clerk of the court Upon filing of the  
23 proof of service, the clerk of the court shall file true copies  
24 of the order and the proof of service with the law enforcement  
25 agency having jurisdiction of the area in which the petitioner  
26 resides Upon receipt of the true copies of the order and the  
27 proof of service, the law enforcement agency shall enter the

1 order into the law enforcement information network as provided by  
2 the L E I N policy council act of 1974, Act No 163 of the  
3 Public Acts of 1974, being sections 28 211 to 28 216 of the  
4 Michigan Compiled Laws

5 (4) An individual who violates an order issued under  
6 subsection (1) after having been served with a copy of the order  
7 under subsection (3) is subject to the civil and criminal con-  
8 tempt powers of the court and, if found guilty of criminal con-  
9 tempt, shall be imprisoned for not more than 90 days and may be  
10 fined not more than \$500 00

11 (5) An order issued under subsection (1) that complies with  
12 section 15b of chapter IV of the code of criminal procedure, Act  
13 No 175 of the Public Acts of 1927, being section 764 15b of the  
14 Michigan Compiled Laws, is enforceable under that section

15 (6) AN ORDER ISSUED UNDER SUBSECTION (1) AND THIS SUBSECTION  
16 MAY ENJOIN OR RESTRAIN AN INDIVIDUAL FROM PURCHASING OR POSSESS-  
17 ING A FIREARM

18 (7) UPON ENTRY OF AN ORDER ISSUED UNDER SUBSECTIONS (1) AND  
19 (6), THE COURT SHALL IMMEDIATELY ORDER THE DEPARTMENT OF STATE  
20 POLICE TO ENTER THE ORDER INTO THE LAW ENFORCEMENT INFORMATION  
21 NETWORK

22 (8) UPON ENTRY OF AN ORDER RESCINDING AN ORDER ISSUED UNDER  
23 SUBSECTIONS (1) AND (6) AND ENTERED INTO THE LAW ENFORCEMENT  
24 INFORMATION NETWORK UNDER SUBSECTION (7), THE COURT SHALL IMMEDI-  
25 ATELY ORDER THE DEPARTMENT OF STATE POLICE TO REMOVE FROM THE LAW  
26 ENFORCEMENT INFORMATION NETWORK THE ORDER ISSUED UNDER

1 SUBSECTIONS (1) AND (6) AND ENTERED INTO THE LAW ENFORCEMENT  
2 INFORMATION NETWORK UNDER SUBSECTION (7)

3 (9) THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER  
4 AN ORDER INTO THE LAW ENFORCEMENT INFORMATION NETWORK OR SHALL  
5 IMMEDIATELY REMOVE AN ORDER FROM THE LAW ENFORCEMENT INFORMATION  
6 NETWORK AS ORDERED BY THE COURT UNDER THIS SECTION

7 (10) BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE  
8 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE CIR-  
9 CUIT COURT FOR EACH COUNTY SHALL EXAMINE THE CIRCUIT COURT  
10 RECORDS FOR THE 1-YEAR PERIOD OF TIME BEFORE THE EFFECTIVE DATE  
11 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION AND ENTER AN  
12 ORDER UNDER SUBSECTION (7) FOR EACH INDIVIDUAL FOR WHOM THE COURT  
13 WOULD HAVE ENTERED AN ORDER UNDER SUBSECTION (7) IF THIS SECTION  
14 HAD BEEN IN EFFECT DURING THAT PERIOD OF TIME THIS SUBSECTION  
15 ONLY APPLIES IF THE INDIVIDUAL IS STILL SUBJECT TO THE RESTRAIN-  
16 ING OR INJUNCTIVE ORDER FOR WHICH AN ORDER WOULD HAVE BEEN  
17 ENTERED UNDER SUBSECTION (7)

18 (11) ~~-(6)-~~ An order issued under subsection (1) is also  
19 enforceable under chapter 17 of this act

20 Section 2 This amendatory act shall not take effect unless  
21 Senate Bill No 972

22 of the 87th Legislature is enacted into law