



# SENATE BILL No. 1022

February 15, 1994, Introduced by Senator VAN REGENMORTER 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~~ BY commencing an indepen-  
6 dent action ~~for the purpose of obtaining~~ TO OBTAIN relief under  
7 this section ~~—~~ or by joining a claim to an existing action, AN  
8 INDIVIDUAL MAY petition the circuit court to restrain or enjoin a  
9 spouse, a former spouse, or ~~a person~~ AN INDIVIDUAL residing or

1 having resided in the same household as the victim from doing 1  
2 or more of the following

3 (a) Entering onto premises

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

6 (c) Removing minor children from the ~~person~~ INDIVIDUAL  
7 having legal custody of the children, except as otherwise autho-  
8 rized by a custody or visitation order issued by a court of com-  
9 petent jurisdiction

10 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), THE COURT SHALL  
11 ISSUE AN INJUNCTION UNDER SUBSECTION (1) IF THE COURT DETERMINES  
12 THAT THERE IS REASONABLE CAUSE TO BELIEVE ANY OF THE FOLLOWING

13 (A) THE DEFENDANT MAY COMMIT AN ACT OF DOMESTIC VIOLENCE

14 (B) THE DEFENDANT HAS COMMITTED AN ACT OF DOMESTIC VIOLENCE  
15 WITHIN THE PAST YEAR

16 (C) GOOD CAUSE EXISTS TO ISSUE THE ORDER

17 (3) ~~-(2)-~~ A court shall not issue an injunction under sub-  
18 section (1)(a) if all of the following apply

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

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

21 (c) The moving party has no property interest in the  
22 premises

23 (4) ~~-(3)-~~ An order issued under subsection (1) ~~which com-~~  
24 ~~plies with~~ THAT MEETS the requirements of section 15b of

25 chapter IV of the code of criminal procedure, Act No 175 of the  
26 Public Acts of 1927, being section 764 15b of the Michigan  
27 Compiled Laws, ~~shall be~~ IS enforceable under that section

1       (5) ~~-(4)-~~ An order issued under subsection (1) ~~which~~ THAT  
2 meets the requirements of subsection ~~-(3)-~~ (4) shall be served  
3 personally on the ~~person~~ INDIVIDUAL to be restrained ~~-(5)-~~  
4 The clerk of the court issuing an order under subsection (1)  
5 ~~which~~ THAT meets the requirements of subsection ~~-(3)-~~ (4) shall  
6 file a true copy and proof of service of the order with the law  
7 enforcement agency having jurisdiction of the area in which the  
8 moving party resides

9       (6) ~~A person~~ AN INDIVIDUAL who refuses or fails to comply  
10 with an order issued under subsection (1) ~~which~~ THAT meets the  
11 requirements of subsection ~~-(3)-~~ (4) is subject to the criminal  
12 contempt powers of the court and, if found guilty, shall be  
13 imprisoned for not more than 90 days and may be fined not more  
14 than \$500 00

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

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

23       (9) THE STATE COURT ADMINISTRATIVE OFFICE SHALL DEVELOP AND  
24 MAKE AVAILABLE FORMS FOR USE BY AN INDIVIDUAL WHO WISHES TO PRO-  
25 CEED WITHOUT AN ATTORNEY THE FORMS SHALL INCLUDE AT LEAST PETI-  
26 TIONS FOR RELIEF UNDER THIS SECTION, SECTION 14 OF CHAPTER 84 OF  
27 THE REVISED STATUTES OF 1846, AND SECTION 15B OF CHAPTER IV OF

1 ACT NO 175 OF THE PUBLIC ACTS OF 1927 AND AN AFFIDAVIT OF  
2 INDIGENCY OR INABILITY TO PAY FOR THE PURPOSE OF HAVING A FEE  
3 WAIVED UNDER SECTION 2529

4 (10) THE COURT SHALL PROVIDE THE FORMS PREPARED UNDER SUB-  
5 SECTION (9) WITHOUT CHARGE UPON REQUEST, THE COURT SHALL PRO-  
6 VIDE ASSISTANCE TO AN INDIVIDUAL IN COMPLETING THOSE FORMS, SHALL  
7 PREPARE AN INJUNCTION ORDER IF THE COURT IS ISSUING SUCH AN  
8 ORDER, AND SHALL INSTRUCT THE INDIVIDUAL REGARDING THE REQUIRE-  
9 MENTS FOR PROPER SERVICE OF THE ORDER