

HOUSE BILL No. 4708

May 19, 1999, Introduced by Reps. Faunce, Godchaux, Baird, Wojno, Richner, Kowall, Law and Scranton and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2529, 2950, and 2950a (MCL 600.2529, 600.2950, and 600.2950a), section 2529 as amended by 1994 PA 403, section 2950 as amended by 1998 PA 477, and section 2950a as amended by 1998 PA 476.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2529. (1) In the circuit court, the following fees
2 shall be paid to the clerk of the court:

3 (a) Before a civil action other than an action brought
4 exclusively under section 2950 or 2950a is commenced, or before
5 the filing of an application for superintending control or for an
6 extraordinary writ, except the writ of habeas corpus, the party
7 bringing the action or filing the application shall pay the sum
8 of \$62.00. The clerk at the end of each month shall transmit for

1 each fee collected under this subdivision within the month,
2 \$18.75 to the executive secretary of the Michigan judges retire-
3 ment system created by the judges retirement act of 1992, ~~Act~~
4 ~~No. 234 of the Public Acts of 1992, being sections 38.2101 to~~
5 ~~38.2608 of the Michigan Compiled Laws~~ 1992 PA 234, MCL 38.2101
6 TO 38.2670; \$5.00 to the secretary of the Michigan legislative
7 retirement system for deposit with the state treasurer in the
8 retirement fund created by the Michigan legislative retirement
9 system act, ~~Act No. 261 of the Public Acts of 1957, as amended,~~
10 ~~being sections 38.1001 to 38.1060 of the Michigan Compiled Laws~~
11 1957 PA 261, MCL 38.1001 TO 38.1060; \$5.25 to the state treasurer
12 for deposit in the general fund; \$2.00 to the state treasurer to
13 be credited to the community dispute resolution fund created by
14 the community dispute resolution act, ~~Act No. 260 of the Public~~
15 ~~Acts of 1988, being sections 691.1551 to 691.1564 of the Michigan~~
16 ~~Compiled Laws~~ 1988 PA 260, MCL 691.1551 TO 691.1564; \$11.00 to
17 the county treasurer; and the balance of the filing fee to the
18 state treasurer for deposit in the state court fund created by
19 section 151a. Beginning October 1, 1994 and until October 1,
20 1995, the fee required under this subdivision is \$72.00.
21 Beginning October 1, 1995 and until October 1, 1996, the fee
22 required under this subdivision is \$80.00. Beginning October 1,
23 1996 and until October 1, 1997, the fee required under this sub-
24 division is \$90.00. Beginning October 1, 1997, the fee required
25 under this subdivision is \$100.00.

26 (b) Before the filing of a claim of appeal or motion for
27 leave to appeal from the district court, probate court, a

1 municipal court, or an administrative tribunal or agency, the sum
2 of \$60.00. For each fee collected under this subdivision, the
3 clerk shall transmit \$15.00 to the state treasurer for deposit in
4 the state court fund created by section 151a. Beginning
5 October 1, 1994 and until October 1, 1995, the fee required under
6 this subdivision is \$70.00. Beginning October 1, 1995 and until
7 October 1, 1996, the fee required under this subdivision is
8 \$80.00. Beginning October 1, 1996 and until October 1, 1997, the
9 fee required under this subdivision is \$90.00. Beginning
10 October 1, 1997, the fee required under this subdivision is
11 \$100.00.

12 (c) If a trial by jury is demanded, the party making the
13 demand at the time shall pay the sum of \$60.00. Failure to pay
14 the fee within the time provided in the court rules constitutes a
15 waiver of the right to a jury trial. The sum shall be taxed in
16 favor of the party paying the fee, in case the party recovers a
17 judgment for costs.

18 (d) Before entry of a final judgment in an action for
19 divorce or separate maintenance in which minor children are
20 involved, or the entry of a final judgment in a child custody
21 dispute submitted to the circuit court as an original action, 1
22 of the following sums, which shall be deposited by the county
23 treasurer as provided in section 2530:

24 (i) If the matter was contested or uncontested and was not
25 submitted to domestic relations mediation or investigation by the
26 friend of the court, \$30.00.

1 (ii) If the matter was contested or uncontested and was
2 submitted to domestic relations mediation, \$50.00.

3 (iii) If the matter was contested or uncontested and the
4 office of the friend of the court conducted an investigation and
5 made a recommendation to the court, \$70.00.

6 (e) Except as otherwise provided in this section, upon the
7 filing of a motion OTHER THAN A MOTION TO MODIFY OR TERMINATE A
8 PERSONAL PROTECTION ORDER ISSUED UNDER SECTION 2950 OR 2950A, the
9 sum of \$20.00. For each fee collected under this subdivision,
10 the clerk shall transmit \$10.00 to the state treasurer for
11 deposit in the state court fund created by section 151a.

12 (f) For services under the direction of the court that are
13 not specifically provided for in this section relative to the
14 receipt, safekeeping, or expending of money, or the purchasing,
15 taking, or transferring of a security, or the collecting of
16 interest on a security, the clerk shall receive the allowance and
17 compensation from the parties as the court may consider just and
18 shall direct by court order, after notice to the parties to be
19 charged.

20 (g) Upon appeal to the court of appeals or the supreme
21 court, the sum of \$25.00.

22 (h) The sum of \$15.00 as a service fee for each writ of gar-
23 nishment, attachment, execution, or judgment debtor discovery
24 subpoena issued.

25 (2) The sums paid as provided in this section shall be held
26 to be in full for all clerk, entry, and judgment fees in an
27 action from the commencement of the action to and including the

1 issuance and return of the execution or other final process, and
2 are taxable as costs.

3 (3) Except as otherwise provided in this section, the fees
4 shall be paid over to the county treasurer as required by law.

5 (4) The court shall order any of the fees prescribed in this
6 section waived or suspended, in whole or in part, upon a showing
7 by affidavit of indigency or inability to pay.

8 (5) The clerk of the circuit court shall prepare and submit
9 a court filing fee report to the executive secretary of the
10 Michigan judges retirement system created by ~~Act No. 234 of the~~
11 ~~Public Acts of 1992~~ THE JUDGES RETIREMENT ACT OF 1992, 1992 PA
12 234, MCL 38.2101 TO 38.2670, at the same time the clerk of the
13 circuit court transmits the portion of the fees collected under
14 this section to the executive secretary.

15 Sec. 2950. (1) Except as provided in subsections (27) and
16 (28), by commencing an independent action to obtain relief under
17 this section, by joining a claim to an action, or by filing a
18 motion in an action in which the petitioner and the individual to
19 be restrained or enjoined are parties, an individual may petition
20 the family division of circuit court to enter a personal protec-
21 tion order to restrain or enjoin a spouse, a former spouse, an
22 individual with whom he or she has had a child in common, an
23 individual with whom he or she has or has had a dating relation-
24 ship, or an individual residing or having resided in the same
25 household as the petitioner from doing 1 or more of the
26 following:

- 1 (a) Entering onto premises.
- 2 (b) Assaulting, attacking, beating, molesting, or wounding a
3 named individual.
- 4 (c) Threatening to kill or physically injure a named
5 individual.
- 6 (d) Removing minor children from the individual having legal
7 custody of the children, except as otherwise authorized by a cus-
8 tody or parenting time order issued by a court of competent
9 jurisdiction.
- 10 (e) Purchasing or possessing a firearm.
- 11 (f) Interfering with petitioner's efforts to remove
12 petitioner's children or personal property from premises that are
13 solely owned or leased by the individual to be restrained or
14 enjoined.
- 15 (g) Interfering with petitioner at petitioner's place of
16 employment OR EDUCATION or engaging in conduct that impairs
17 petitioner's employment OR EDUCATIONAL relationship or
18 environment.
- 19 (H) HAVING ACCESS TO INFORMATION IN RECORDS CONCERNING A
20 MINOR CHILD OF BOTH PETITIONER AND RESPONDENT THAT WILL INFORM
21 RESPONDENT ABOUT THE ADDRESS OR TELEPHONE NUMBER OF PETITIONER
22 AND PETITIONER'S MINOR CHILD OR ABOUT PETITIONER'S EMPLOYMENT
23 ADDRESS.
- 24 (I) ENGAGING IN CONDUCT THAT IS PROHIBITED UNDER SECTION
25 411H OR 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
26 750.411H AND 750.411I.

1 (J) ~~(h)~~ Any other specific act or conduct that imposes
2 upon or interferes with personal liberty or that causes a
3 reasonable apprehension of violence.

4 (2) If the respondent is a person who is issued a license to
5 carry a concealed weapon and is required to carry a weapon as a
6 condition of his or her employment, a police officer certified by
7 the ~~Michigan law enforcement training council act of 1965~~
8 COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
9 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the
10 Michigan department of state police, a local corrections officer,
11 department of corrections employee, or a federal law enforcement
12 officer who carries a firearm during the normal course of his or
13 her employment, the petitioner shall notify the court of the
14 respondent's occupation prior to the issuance of the personal
15 protection order. This subsection does not apply to a petitioner
16 who does not know the respondent's occupation.

17 (3) A petitioner may omit his or her address of residence
18 from documents filed with the court under this section. If a
19 petitioner omits his or her address of residence, the petitioner
20 shall provide the court with a mailing address.

21 (4) The court shall issue a personal protection order under
22 this section if the court determines that there is reasonable
23 cause to believe that the individual to be restrained or enjoined
24 may commit 1 or more of the acts listed in subsection (1). In
25 determining whether reasonable cause exists, the court shall con-
26 sider all of the following:

1 (a) Testimony, documents, or other evidence offered in
2 support of the request for a personal protection order.

3 (b) Whether the individual to be restrained or enjoined has
4 previously committed or threatened to commit 1 or more of the
5 acts listed in subsection (1).

6 (5) A court shall not issue a personal protection order that
7 restrains or enjoins conduct described in subsection (1)(a) if
8 all of the following apply:

9 (a) The individual to be restrained or enjoined is not the
10 spouse of the moving party.

11 (b) The individual to be restrained or enjoined or the
12 parent, guardian, or custodian of the minor to be restrained or
13 enjoined has a property interest in the premises.

14 (c) The moving party or the parent, guardian, or custodian
15 of a minor petitioner has no property interest in the premises.

16 (6) A court shall not refuse to issue a personal protection
17 order solely due to the absence of any of the following:

18 (a) A police report.

19 (b) A medical report.

20 (c) A report or finding of an administrative agency.

21 (d) Physical signs of abuse or violence.

22 (7) If the court refuses to grant a personal protection
23 order, it shall state immediately in writing the specific reasons
24 it refused to issue a personal protection order. If a hearing is
25 held, the court shall also immediately state on the record the
26 specific reasons it refuses to issue a personal protection
27 order.

1 (8) A personal protection order shall not be made mutual.
2 Correlative separate personal protection orders are prohibited
3 unless both parties have properly petitioned the court pursuant
4 to subsection (1).

5 (9) A personal protection order is effective and immediately
6 enforceable when signed by a judge.

7 (10) The court shall designate the law enforcement agency
8 that is responsible for entering the personal protection order
9 into the law enforcement information network as provided by the
10 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
11 28.216.

12 (11) A personal protection order shall include all of the
13 following, and to the extent practicable the following shall be
14 contained in a single form:

15 (a) A statement that the personal protection order has been
16 entered to restrain or enjoin conduct listed in the order and
17 that violation of the personal protection order will subject the
18 individual restrained or enjoined to either of the following:

19 (i) If the respondent is 17 years of age or more, immediate
20 arrest and the civil and criminal contempt powers of the court,
21 and that if he or she is found guilty of criminal contempt, he or
22 she shall be imprisoned for not more than 93 days and may be
23 fined not more than \$500.00.

24 (ii) If the respondent is less than 17 years of age, immedi-
25 ate apprehension or being taken into custody, and subject to the
26 dispositional alternatives listed in section 18 of chapter XIIIA
27 of the probate code, 1939 PA 288, MCL 712A.18.

1 (b) A statement that the personal protection order is
2 effective and immediately enforceable when signed by a judge.

3 (c) A statement listing the type or types of conduct
4 enjoined.

5 (d) An expiration date stated clearly on the face of the
6 order.

7 (e) A statement that the personal protection order is
8 enforceable anywhere in Michigan by any law enforcement agency.

9 (f) The law enforcement agency designated by the court to
10 enter the personal protection order into the law enforcement
11 information network.

12 (g) For ex parte orders, a statement that the individual
13 restrained or enjoined may file a motion to modify or rescind the
14 personal protection order and request a hearing within 14 days
15 after the individual restrained or enjoined has been served or
16 has received actual notice of the order and that motion forms and
17 filing instructions are available from the clerk of the court.

18 (12) An ex parte personal protection order shall be issued
19 and effective without written or oral notice to the individual
20 restrained or enjoined or his or her attorney if it clearly
21 appears from specific facts shown by verified complaint, written
22 motion, or affidavit that immediate and irreparable injury, loss,
23 or damage will result from the delay required to effectuate
24 notice or that the notice will itself precipitate adverse action
25 before a personal protection order can be issued.

26 (13) A personal protection order issued under subsection
27 (12) is valid for not less than 182 days. The individual

1 restrained or enjoined may file a motion to modify or rescind the
2 personal protection order and request a hearing under the
3 Michigan court rules. The motion to modify or rescind the per-
4 sonal protection order shall be filed within 14 days after the
5 order is served or after the individual restrained or enjoined
6 has received actual notice of the personal protection order
7 unless good cause is shown for filing the motion after the 14
8 days have elapsed.

9 (14) Except as otherwise provided in this subsection, the
10 court shall schedule a hearing on the motion to modify or rescind
11 the ex parte personal protection order within 14 days after the
12 filing of the motion to modify or rescind. If the respondent is
13 a person described in subsection (2) and the personal protection
14 order prohibits him or her from purchasing or possessing a fire-
15 arm, the court shall schedule a hearing on the motion to modify
16 or rescind the ex parte personal protection order within 5 days
17 after the filing of the motion to modify or rescind.

18 (15) The clerk of the court that issues a personal protec-
19 tion order shall do ~~both~~ ALL of the following immediately upon
20 issuance and without requiring a proof of service on the individ-
21 ual restrained or enjoined:

22 (a) File a true copy of the personal protection order with
23 the law enforcement agency designated by the court in the per-
24 sonal protection order.

25 (b) Provide the petitioner with not less than 2 true copies
26 of the personal protection order.

1 (C) IF RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS A LAW
2 ENFORCEMENT OFFICER, NOTIFY THE OFFICER'S EMPLOYING LAW
3 ENFORCEMENT AGENCY, IF KNOWN, ABOUT THE EXISTENCE OF THE PERSONAL
4 PROTECTION ORDER.

5 (D) IF THE PERSONAL PROTECTION ORDER PROHIBITS RESPONDENT
6 FROM PURCHASING OR POSSESSING A FIREARM, NOTIFY THE CONCEALED
7 WEAPON LICENSING BOARD IN RESPONDENT'S COUNTY OF RESIDENCE ABOUT
8 THE EXISTENCE AND CONTENTS OF THE PERSONAL PROTECTION ORDER.

9 (16) The clerk of the court shall inform the petitioner that
10 he or she may take a true copy of the personal protection order
11 to the law enforcement agency designated by the court in subsec-
12 tion (10) to be immediately entered into the law enforcement
13 information network.

14 (17) The law enforcement agency that receives a true copy of
15 the personal protection order under subsection (15) or (16) shall
16 immediately and without requiring proof of service enter the per-
17 sonal protection order into the law enforcement information net-
18 work as provided by the L.E.I.N. policy council act of 1974, 1974
19 PA 163, MCL 28.211 to 28.216.

20 (18) A personal protection order issued under this section
21 shall be served personally or by registered or certified mail,
22 return receipt requested, delivery restricted to the addressee at
23 the last known address or addresses of the individual restrained
24 or enjoined or by any other manner provided in the Michigan court
25 rules. IF THE INDIVIDUAL RESTRAINED OR ENJOINED HAS NOT BEEN
26 SERVED, A LAW ENFORCEMENT OFFICER OR CLERK OF THE COURT WHO KNOWS
27 THAT A PERSONAL PROTECTION ORDER EXISTS MAY, AT ANY TIME, SERVE

1 THE INDIVIDUAL RESTRAINED OR ENJOINED WITH A TRUE COPY OF THE
2 ORDER OR ADVISE THE INDIVIDUAL RESTRAINED OR ENJOINED ABOUT THE
3 EXISTENCE OF THE PERSONAL PROTECTION ORDER, THE SPECIFIC CONDUCT
4 ENJOINED, THE PENALTIES FOR VIOLATING THE ORDER, AND WHERE THE
5 INDIVIDUAL RESTRAINED OR ENJOINED MAY OBTAIN A COPY OF THE ORDER.
6 If the respondent is less than 18 years of age, the parent,
7 guardian, or custodian of that individual shall also be served
8 personally or by registered or certified mail, return receipt
9 requested, delivery restricted to the addressee at the last known
10 address or addresses of the parent, guardian, or custodian of the
11 individual restrained or enjoined. A proof of service OR PROOF
12 OF ORAL NOTICE shall be filed with the clerk of the court issuing
13 the personal protection order. This subsection does not prohibit
14 the immediate effectiveness of a personal protection order or its
15 immediate enforcement under subsections (21) and (22).

16 (19) The clerk of the court shall immediately notify the law
17 enforcement agency that received the personal protection order
18 under subsection (15) or (16) if either of the following occurs:

19 (a) The clerk of the court has received proof that the indi-
20 vidual restrained or enjoined has been served.

21 (b) The personal protection order is rescinded, modified, or
22 extended by court order.

23 (20) The law enforcement agency that receives information
24 under subsection (19) shall enter the information or cause the
25 information to be entered into the law enforcement information
26 network as provided by the L.E.I.N. policy council act of 1974,
27 1974 PA 163, MCL 28.211 to 28.216.

1 (21) Subject to subsection (22), a personal protection order
2 is immediately enforceable anywhere in this state by any law
3 enforcement agency that has received a true copy of the order, is
4 shown a copy of it, or has verified its existence on the law
5 enforcement information network as provided by the
6 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
7 28.216.

8 (22) If the individual restrained or enjoined has not been
9 served, the law enforcement agency or officer responding to a
10 call alleging a violation of a personal protection order shall
11 serve the individual restrained or enjoined with a true copy of
12 the order or advise the individual restrained or enjoined ~~of~~
13 ABOUT the existence of the personal protection order, the spe-
14 cific conduct enjoined, the penalties for violating the order,
15 and where the individual restrained or enjoined may obtain a copy
16 of the order. The law enforcement officer shall enforce the per-
17 sonal protection order and immediately enter or cause to be
18 entered into the law enforcement information network that the
19 individual restrained or enjoined has actual notice of the per-
20 sonal protection order. THE LAW ENFORCEMENT OFFICER ALSO SHALL
21 FILE A PROOF OF SERVICE OR PROOF OF ORAL NOTICE WITH THE CLERK OF
22 THE COURT ISSUING THE PERSONAL PROTECTION ORDER. If the individ-
23 ual restrained or enjoined has not received notice of the per-
24 sonal protection order, the individual restrained or enjoined
25 shall be given an opportunity to comply with the personal protec-
26 tion order before the law enforcement officer makes a custodial
27 arrest for violation of the personal protection order. The

1 failure to immediately comply with the personal protection order
2 shall be grounds for an immediate custodial arrest. This subsec-
3 tion does not preclude an arrest under section 15 or 15a of
4 chapter IV of the code of criminal procedure, 1927 PA 175, MCL
5 764.15 and 764.15a, or a proceeding under section 14 of chapter
6 XIIIA of 1939 PA 288, MCL 712A.14.

7 (23) An individual who is 17 years of age or more and who
8 refuses or fails to comply with a personal protection order under
9 this section is subject to the criminal contempt powers of the
10 court and, if found guilty, EITHER shall be imprisoned for not
11 more than 93 days ~~and~~ OR SHALL BE PLACED ON PROBATION FOR NOT
12 MORE THAN 2 YEARS. IN ADDITION TO IMPRISONMENT OR PROBATION, THE
13 INDIVIDUAL may be fined not more than \$500.00. An individual who
14 is less than 17 years of age and who refuses or fails to comply
15 with a personal protection order issued under this section is
16 subject to the dispositional alternatives listed in section 18 of
17 chapter XIIIA of 1939 PA 288, MCL 712A.18. The criminal penalty
18 provided for under this section may be imposed in addition to a
19 penalty that may be imposed for another criminal offense arising
20 from the same conduct.

21 (24) An individual who knowingly and intentionally makes a
22 false statement to the court in support of his or her petition
23 for a personal protection order is subject to the contempt powers
24 of the court.

25 (25) A personal protection order issued under this section
26 is also enforceable under chapter XIIIA of 1939 PA 288, MCL 712A.1

1 to 712A.31, and section 15b of chapter IV of the code of criminal
2 procedure, 1927 PA 175, MCL 764.15b.

3 (26) A personal protection order issued under this section
4 is also enforceable under chapter 17.

5 (27) A court shall not issue a personal protection order
6 that restrains or enjoins conduct described in subsection (1) if
7 either of the following applies:

8 (a) The ~~unemancipated~~ respondent is the UNEMANCIPATED
9 minor child of the petitioner.

10 (b) The ~~unemancipated~~ petitioner is the UNEMANCIPATED
11 minor child of the respondent.

12 (28) If the respondent is less than 18 years of age, a court
13 shall not issue a personal protection order under this section;
14 the court shall proceed under section 2 of chapter XIIIA of 1939
15 PA 288, MCL 712A.2.

16 (29) A personal protection order that is issued prior to the
17 effective date of the amendatory act that added this subsection
18 is not invalid on the ground that it does not comply with 1 or
19 more of the requirements added by this amendatory act.

20 (30) As used in this section:

21 (a) "Dating relationship" means frequent, intimate associa-
22 tions primarily characterized by the expectation of affectional
23 involvement. This term does not include a casual relationship or
24 an ordinary fraternization between 2 individuals in a business or
25 social context.

26 (b) "Federal law enforcement officer" means an officer or
27 agent employed by a law enforcement agency of the United States

1 government whose primary responsibility is the enforcement of
2 laws of the United States.

3 (c) "Personal protection order" means an injunctive order
4 issued by the circuit court or the family division of circuit
5 court restraining or enjoining activity and individuals listed in
6 subsection (1).

7 Sec. 2950a. (1) Except as provided in subsections (25) and
8 (26), by commencing an independent action to obtain relief under
9 this section, by joining a claim to an action, or by filing a
10 motion in an action in which the petitioner and the individual to
11 be restrained or enjoined are parties, an individual may petition
12 the family division of circuit court to enter a personal protec-
13 tion order to restrain or enjoin an individual from engaging in
14 conduct that is prohibited under section 411h or 411i of the
15 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.
16 RELIEF SHALL NOT BE GRANTED UNLESS THE PETITION ALLEGES FACTS
17 THAT CONSTITUTE STALKING AS DEFINED IN SECTION 411H OR 411I OF
18 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H AND 750.411I.
19 Relief may be sought and granted under this section whether or
20 not the individual to be restrained or enjoined has been charged
21 or convicted under section 411h or 411i of the Michigan penal
22 code, 1931 PA 328, MCL 750.411h and 750.411i, for the alleged
23 violation.

24 (2) If the respondent is a person who is issued a license to
25 carry a concealed weapon and is required to carry a weapon as a
26 condition of his or her employment, a police officer certified by
27 the ~~Michigan law enforcement training council act of 1965~~

1 COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL
2 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the
3 Michigan department of state police, a local corrections officer,
4 a department of corrections employee, or a federal law enforce-
5 ment officer who carries a firearm during the normal course of
6 his or her employment, the petitioner shall notify the court of
7 the respondent's occupation prior to the issuance of the personal
8 protection order. This subsection does not apply to a petitioner
9 who does not know the respondent's occupation.

10 (3) A petitioner may omit his or her address of residence
11 from documents filed with the court pursuant to this section. If
12 a petitioner omits his or her address of residence, the peti-
13 tioner shall provide the court a mailing address.

14 (4) If the court refuses to grant a personal protection
15 order, it shall immediately state in writing the specific reasons
16 it refused to issue a personal protection order. If a hearing is
17 held, the court shall also immediately state on the record the
18 specific reasons it refuses to issue a personal protection
19 order.

20 (5) A personal protection order shall not be made mutual.
21 Correlative separate personal protection orders are prohibited
22 unless both parties have properly petitioned the court pursuant
23 to subsection (1).

24 (6) A personal protection order is effective and immediately
25 enforceable when signed by a judge.

26 (7) The court shall designate the law enforcement agency
27 that is responsible for entering the personal protection order

1 into the law enforcement information network as provided by the
2 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
3 28.216.

4 (8) A personal protection order issued under this section
5 shall include all of the following, and to the extent practicable
6 the following shall be contained in a single form:

7 (a) A statement that the personal protection order has been
8 entered to enjoin or restrain conduct listed in the order and
9 that violation of the personal protection order will subject the
10 individual restrained or enjoined to either of the following:

11 (i) If the respondent is 17 years of age or more, immediate
12 arrest and the civil and criminal contempt powers of the court,
13 and that if he or she is found guilty of criminal contempt, he or
14 she shall be imprisoned for not more than 93 days and may be
15 fined not more than \$500.00.

16 (ii) If the respondent is less than 17 years of age, to
17 immediate apprehension or being taken into custody, and subject
18 to the dispositional alternatives listed in section 18 of chapter
19 XIIIA of 1939 PA 288, MCL 712A.18.

20 (b) A statement that the personal protection order is effec-
21 tive and immediately enforceable when signed by a judge.

22 (c) A statement listing the type or types of conduct
23 enjoined.

24 (d) An expiration date stated clearly on the face of the
25 order.

26 (e) A statement that the personal protection order is
27 enforceable anywhere in Michigan by any law enforcement agency.

1 (f) The law enforcement agency designated by the court to
2 enter the personal protection order into the law enforcement
3 information network.

4 (g) For ex parte orders, a statement that the individual
5 restrained or enjoined may file a motion to modify or rescind the
6 personal protection order and request a hearing within 14 days
7 after the individual restrained or enjoined has been served or
8 has received actual notice of the personal protection order and
9 that motion forms and filing instructions are available from the
10 clerk of the court.

11 (9) An ex parte personal protection order shall not be
12 issued and effective without written or oral notice to the indi-
13 vidual enjoined or his or her attorney unless it clearly appears
14 from specific facts shown by verified complaint, written motion,
15 or affidavit that immediate and irreparable injury, loss, or
16 damage will result from the delay required to effectuate notice
17 or that the notice will itself precipitate adverse action before
18 a personal protection order can be issued.

19 (10) A personal protection order issued under subsection (9)
20 is valid for not less than 182 days. The individual restrained
21 or enjoined may file a motion to modify or rescind the personal
22 protection order and request a hearing pursuant to the Michigan
23 court rules. The motion to modify or rescind the personal pro-
24 tection order shall be filed within 14 days after the order is
25 served or after the individual restrained or enjoined has
26 received actual notice of the personal protection order unless

1 good cause is shown for filing the motion after the 14 days have
2 elapsed.

3 (11) Except as otherwise provided in this subsection, the
4 court shall schedule a hearing on the motion to modify or rescind
5 the ex parte personal protection order within 14 days after the
6 filing of the motion to modify or rescind. If the respondent is
7 a person described in subsection (2) and the personal protection
8 order prohibits him or her from purchasing or possessing a fire-
9 arm, the court shall schedule a hearing on the motion to modify
10 or rescind the ex parte personal protection order within 5 days
11 after the filing of the motion to modify or rescind.

12 (12) The clerk of the court that issues a personal protec-
13 tion order shall do ~~both~~ ALL of the following immediately upon
14 issuance and without requiring a proof of service on the individ-
15 ual restrained or enjoined:

16 (a) File a true copy of the personal protection order with
17 the law enforcement agency designated by the court in the per-
18 sonal protection order.

19 (b) Provide petitioner with not less than 2 true copies of
20 the personal protection order.

21 (C) IF RESPONDENT IS IDENTIFIED IN THE PLEADINGS AS A LAW
22 ENFORCEMENT OFFICER, NOTIFY THE OFFICER'S EMPLOYING LAW ENFORCE-
23 MENT AGENCY ABOUT THE EXISTENCE OF THE PERSONAL PROTECTION ORDER.

24 (D) IF THE PERSONAL PROTECTION ORDER PROHIBITS RESPONDENT
25 FROM PURCHASING OR POSSESSING A FIREARM, NOTIFY THE CONCEALED
26 WEAPON LICENSING BOARD IN RESPONDENT'S COUNTY OF RESIDENCE ABOUT
27 THE EXISTENCE AND CONTENTS OF THE PERSONAL PROTECTION ORDER.

1 (13) The clerk of the court shall inform the petitioner that
2 he or she may take a true copy of the personal protection order
3 to the law enforcement agency designated by the court in subsec-
4 tion (7) to be immediately entered into the law enforcement
5 information network.

6 (14) The law enforcement agency that receives a true copy of
7 the personal protection order under subsection (12) or (13) shall
8 immediately and without requiring proof of service enter the per-
9 sonal protection order into the law enforcement information net-
10 work, as provided by the L.E.I.N. policy council act of 1974,
11 1974 PA 163, MCL 28.211 to 28.216.

12 (15) A personal protection order issued under this section
13 shall be served personally or by registered or certified mail,
14 return receipt requested, delivery restricted to the addressee at
15 the last known address or addresses of the individual restrained
16 or enjoined or by any other manner provided in the Michigan court
17 rules. IF THE INDIVIDUAL RESTRAINED OR ENJOINED HAS NOT BEEN
18 SERVED, A LAW ENFORCEMENT OFFICER OR CLERK OF THE COURT WHO KNOWS
19 THAT A PERSONAL PROTECTION ORDER EXISTS MAY, AT ANY TIME, SERVE
20 THE INDIVIDUAL RESTRAINED OR ENJOINED WITH A TRUE COPY OF THE
21 ORDER OR ADVISE THE INDIVIDUAL RESTRAINED OR ENJOINED ABOUT THE
22 EXISTENCE OF THE PERSONAL PROTECTION ORDER, THE SPECIFIC CONDUCT
23 ENJOINED, THE PENALTIES FOR VIOLATING THE ORDER, AND WHERE THE
24 INDIVIDUAL RESTRAINED OR ENJOINED MAY OBTAIN A COPY OF THE ORDER.
25 If the respondent is less than 18 years of age, the parent,
26 guardian, or custodian of that individual shall also be served
27 personally or by registered or certified mail, return receipt

1 requested, delivery restricted to the addressee at the last known
2 address or addresses of the parent, guardian, or custodian of the
3 individual restrained or enjoined. A proof of service OR PROOF
4 OF ORAL NOTICE shall be filed with the clerk of the court issuing
5 the personal protection order. This subsection does not prohibit
6 the immediate effectiveness of a personal protection order or its
7 immediate enforcement under subsections (18) and (19).

8 (16) The clerk of the court shall immediately notify the law
9 enforcement agency that received the personal protection order
10 under subsection (12) or (13) if either of the following occurs:

11 (a) The clerk of the court has received proof that the indi-
12 vidual restrained or enjoined has been served.

13 (b) The personal protection order is rescinded, modified, or
14 extended by court order.

15 (17) The law enforcement agency that receives information
16 under subsection (16) shall enter the information or cause the
17 information to be entered into the law enforcement information
18 network as provided by the L.E.I.N. policy council act of 1974,
19 1974 PA 163, MCL 28.211 to 28.216.

20 (18) Subject to subsection (19), a personal protection order
21 is immediately enforceable anywhere in this state by any law
22 enforcement agency that has received a true copy of the order, is
23 shown a copy of it, or has verified its existence on the law
24 enforcement information network as provided by the
25 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
26 28.216.

1 (19) If the individual restrained or enjoined has not been
2 served, the law enforcement agency or officer responding to a
3 call alleging a violation of a personal protection order shall
4 serve the individual restrained or enjoined with a true copy of
5 the order or advise the individual restrained or enjoined ~~of~~
6 ABOUT the existence of the personal protection order, the spe-
7 cific conduct enjoined, the penalties for violating the order,
8 and where the individual restrained or enjoined may obtain a copy
9 of the order. The law enforcement officer shall enforce the per-
10 sonal protection order and immediately enter or cause to be
11 entered into the law enforcement information network that the
12 individual restrained or enjoined has actual notice of the per-
13 sonal protection order. THE LAW ENFORCEMENT OFFICER ALSO SHALL
14 FILE A PROOF OF SERVICE OR PROOF OF ORAL NOTICE WITH THE CLERK OF
15 THE COURT ISSUING THE PERSONAL PROTECTION ORDER. If the individ-
16 ual restrained or enjoined has not received notice of the per-
17 sonal protection order, the individual restrained or enjoined
18 shall be given an opportunity to comply with the personal protec-
19 tion order before the law enforcement officer makes a custodial
20 arrest for violation of the personal protection order. The fail-
21 ure to immediately comply with the personal protection order
22 shall be grounds for an immediate custodial arrest. This subsec-
23 tion does not preclude an arrest under section 15 or 15a of chap-
24 ter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15
25 and 764.15a, or a proceeding under section 14 of chapter XIIA of
26 1939 PA 288, MCL 712A.14.

1 (20) An individual who is 17 years of age or more and who
2 refuses or fails to comply with a personal protection order
3 issued under this section is subject to the criminal contempt
4 powers of the court and, if found guilty of criminal contempt,
5 EITHER shall be imprisoned for not more than 93 days ~~and~~ OR
6 SHALL BE PLACED ON PROBATION FOR NOT MORE THAN 2 YEARS. IN ADDI-
7 TION TO IMPRISONMENT OR PROBATION, THE INDIVIDUAL may be fined
8 not more than \$500.00. An individual who is less than 17 years
9 of age and who refuses or fails to comply with a personal protec-
10 tion order issued under this section is subject to the disposi-
11 tional alternatives listed in section 18 of chapter XIIIA of 1939
12 PA 288, MCL 712A.18. The criminal penalty provided for under
13 this section may be imposed in addition to any penalty that may
14 be imposed for any other criminal offense arising from the same
15 conduct.

16 (21) An individual who knowingly and intentionally makes a
17 false statement to the court in support of his or her petition
18 for a personal protection order is subject to the contempt powers
19 of the court.

20 (22) A personal protection order issued under this section
21 is also enforceable under chapter XIIIA of 1939 PA 288, MCL 712A.1
22 to 712A.31, and section 15b of chapter IV of the code of criminal
23 procedure, 1927 PA 175, MCL 764.15b.

24 (23) ~~Beginning April 1, 1996, a~~ A personal protection
25 order issued under this section may enjoin or restrain an indi-
26 vidual from purchasing or possessing a firearm.

1 (24) A personal protection order issued under this section
2 is also enforceable under chapter 17.

3 (25) A court shall not issue a personal protection order
4 that restrains or enjoins conduct described in subsection (1) if
5 either of the following applies:

6 (a) The ~~unemancipated~~ respondent is the UNEMANCIPATED
7 minor child of the petitioner.

8 (b) The ~~unemancipated~~ petitioner is the UNEMANCIPATED
9 minor child of the respondent.

10 (26) If the respondent is less than 18 years of age, a court
11 shall not issue a personal protection order under this section;
12 the court shall proceed under section 2 of chapter XIIIA of 1939
13 PA 288, MCL 712A.2.

14 (27) A personal protection order that is issued prior to the
15 effective date of the amendatory act that added this subsection
16 is not invalid on the ground that it does not comply with 1 or
17 more of the requirements added by that amendatory act.

18 (28) As used in this section:

19 (a) "Federal law enforcement officer" means an officer or
20 agent employed by a law enforcement agency of the United States
21 government whose primary responsibility is the enforcement of
22 laws of the United States.

23 (b) "Personal protection order" means an injunctive order
24 issued by circuit court or the family division of circuit court
25 restraining or enjoining conduct prohibited under section 411h or
26 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
27 750.411i.

1 Enacting section 1. This amendatory act takes effect
2 September 1, 1999.