



HOUSE BILL No. 5467

February 29, 2000, Introduced by Reps. Raczkowski, Scranton, Vear, Caul, DeVuyst, DeRossett, Hager, Ehardt, Richardville, Switalski, LaSata, Van Woerkom, DeWeese, Faunce, Richner, Cameron Brown, Middaugh, Birkholz, Godchaux, Tabor, Jellema and Shackleton and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 81 (MCL 750.81), as amended by 1999 PA 270.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
2 TION, A person who assaults or ~~assaults and~~ batters an individ-
3 ual ~~, if no other punishment is prescribed by law,~~ is guilty of
4 a misdemeanor punishable by imprisonment for not more than 90
5 days or a fine of not more than \$500.00, or both.

6 (2) Except as provided in subsection (3) or (4), an individ-
7 ual who assaults or ~~assaults and~~ batters ~~his or her spouse or~~
8 ~~former spouse, an individual with whom he or she has had a child~~
9 ~~in common, or a resident or former resident of the same~~
10 ~~household~~ ANY OF THE FOLLOWING INDIVIDUALS is guilty of a

1 misdemeanor punishable by imprisonment for not more than 93 days
2 or a fine of not more than \$500.00, or both: —

3 (A) HIS OR HER SPOUSE OR FORMER SPOUSE.

4 (B) AN INDIVIDUAL WITH WHOM HE OR SHE HAS HAD A CHILD IN
5 COMMON.

6 (C) A RESIDENT OR FORMER RESIDENT OF THE SAME HOUSEHOLD.

7 (3) An individual who ~~assaults or assaults and batters his~~
8 ~~or her spouse or former spouse, an individual with whom he or she~~
9 ~~has had a child in common, or a resident or former resident of~~
10 ~~the same household, in violation of~~ COMMITS AN ASSAULT OR BAT-
11 TERY UNDER subsection (2), and who has previously been convicted
12 of assaulting or ~~assaulting and~~ battering his or her spouse or
13 former spouse, an individual with whom he or she has had a child
14 in common, or a resident or former resident of the same house-
15 hold, ~~in violation of this section or a local ordinance substan-~~
16 ~~tially corresponding to this section or in violation of~~
17 ~~section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE FOLLOWING, may
18 be punished by imprisonment for not more than 1 year or a fine of
19 not more than \$1,000.00, or both: —

20 (A) THIS SECTION OR AN ORDINANCE OF A POLITICAL SUBDIVISION
21 OF THIS STATE SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

22 (B) SECTION 81A, 82, 83, 84, OR 86.

23 (C) A LAW OF ANOTHER STATE OR AN ORDINANCE OF A POLITICAL
24 SUBDIVISION OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO THIS
25 SECTION OR SECTION 81A, 82, 83, 84, OR 86.

26 (4) An individual who ~~assaults or assaults and batters his~~
27 ~~or her spouse or former spouse, an individual with whom he or she~~

1 ~~has had a child in common, or a resident or former resident of~~
2 ~~the same household, in violation of~~ COMMITS AN ASSAULT OR BAT-
3 TERY UNDER subsection (2), and who has 2 or more previous convic-
4 tions for assaulting or ~~assaulting and~~ battering his or her
5 spouse or former spouse, an individual with whom he or she has
6 had a child in common, or a resident or former resident of the
7 same household, ~~in violation of this section or a local ordi-~~
8 ~~nance substantially corresponding to this section or in violation~~
9 ~~of section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE FOLLOWING, is
10 guilty of a felony punishable by imprisonment for not more than 2
11 years or a fine of not more than \$2,500.00, or both: —

12 (A) THIS SECTION OR AN ORDINANCE OF A POLITICAL SUBDIVISION
13 OF THIS STATE SUBSTANTIALLY CORRESPONDING TO THIS SECTION.

14 (B) SECTION 81A, 82, 83, 84, OR 86.

15 (C) A LAW OF ANOTHER STATE OR AN ORDINANCE OF A POLITICAL
16 SUBDIVISION OF ANOTHER STATE SUBSTANTIALLY CORRESPONDING TO THIS
17 SECTION OR SECTION 81A, 82, 83, 84, OR 86.