

Act No. 270
Public Acts of 1999
Approved by the Governor
December 29, 1999
Filed with the Secretary of State
December 29, 1999
EFFECTIVE DATE: July 1, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999**

Introduced by Reps. Kowall, Faunce, Wojno, Richner, Law and Scranton

ENROLLED HOUSE BILL No. 4713

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending sections 81 and 81a (MCL 750.81 and 750.81a), section 81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA 65.

The People of the State of Michigan enact:

Sec. 81. (1) A person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of this section or a local ordinance substantially corresponding to this section or in violation of section 81a, 82, 83, 84, or 86, may be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

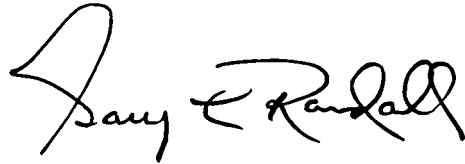
(4) An individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of this section or a local ordinance substantially corresponding to this section or in violation of section 81a, 82, 83, 84, or 86, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both.

Sec. 81a. (1) A person who assaults an individual without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

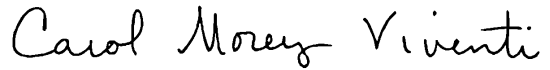
(2) Except as provided in subsection (3), an individual who assaults his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household without a weapon and inflicts serious or aggravated injury upon that individual without intending to commit murder or to inflict great bodily harm less than murder is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) An individual who assaults his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of subsection (2), and who has 1 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of the same household, in violation of this section or section 81, 82, 83, 84, or 86 or a local ordinance substantially corresponding to section 81, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both.

Enacting section 1. This amendatory act takes effect July 1, 2000.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.