

Act No. 462
Public Acts of 2000
Approved by the Governor
January 10, 2001
Filed with the Secretary of State
January 10, 2001
EFFECTIVE DATE: January 10, 2001

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Hager, Julian, Jellema, Tabor, Raczkowski, Gosselin, Gilbert, Ehardt, Kowall, Richardville, Shulman, DeRossett, Shackleton, Faunce, Law, Garcia, Bisbee, Bovin, Pappageorge, Kuipers, Caul, Woronchak, Van Woerkom, Birkholz, Cassis, Lemmons and Sanborn

ENROLLED HOUSE BILL No. 5256

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 section 81 (MCL 750.81), as amended by 1994 PA 64.

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 his or her 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 his or her 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 his or her 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 his or her 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 his or her 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.

(5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.