

SUBSTITUTE FOR
HOUSE BILL NO. 5281

(As amended October 29, 2001)

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 81 (MCL 750.81), as amended by 2000 PA 462.

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 individu-
3 al, if no other punishment is prescribed by law, is guilty of a
4 misdemeanor punishable by imprisonment for not more than ~~—90—~~ 93
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 OR HAS HAD
9] A DATING RELATIONSHIP, AN INDIVIDUAL with whom he or she
10 has had a child in common, or a resident or former resident of
11 his or her household, is guilty of a misdemeanor punishable by

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1 imprisonment for not more than 93 days or a fine of not more than
2 \$500.00, or both.

3 (3) An individual who ~~assaults or assaults and batters his~~
4 ~~or her spouse or former spouse, an individual with whom he or she~~
5 ~~has had a child in common, or a resident or former resident of~~
6 ~~his or her household,~~ COMMITS AN ASSAULT OR [AN ASSAULT AND]
BATTERY in violation
7 of subsection (2), and who has previously been convicted of
8 assaulting or assaulting and battering his or her spouse or
9 former spouse, an individual WITH WHOM HE OR SHE [HAS OR HAS HAD
10] A DATING RELATIONSHIP, AN INDIVIDUAL with whom he or she
11 has had a child in common, or a resident or former resident of
12 his or her household, ~~in violation of this section or a local~~
13 ~~ordinance substantially corresponding to this section, or in vio-~~
14 ~~lation of section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE
15 FOLLOWING, may be punished by imprisonment for not more than 1
16 year or a fine of not more than \$1,000.00, or both: —

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

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

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

23 (4) An individual who ~~assaults or assaults and batters his~~
24 ~~or her spouse or former spouse, an individual with whom he or she~~
25 ~~has had a child in common, or a resident or former resident of~~
26 ~~his or her household, in violation of~~ COMMITS AN ASSAULT OR [AN
ASSAULT AND]
27 BATTERY UNDER subsection (2), and who has 2 or more previous

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1 convictions for assaulting or assaulting and battering his or her
2 spouse or former spouse, an individual WITH WHOM HE OR SHE [HAS OR
3 HAS HAD] A DATING RELATIONSHIP, AN INDIVIDUAL with whom he
4 or she has had a child in common, or a resident or former resi-
5 dent of his or her household, ~~in violation of this section or a~~
6 ~~local ordinance substantially corresponding to this section, or~~
7 ~~in violation of section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE
8 FOLLOWING, is guilty of a felony punishable by imprisonment for
9 not more than 2 years or a fine of not more than \$2,500.00, or
10 both: —

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

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

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

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

20 (6) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS
21 [FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE
EXPECTATION OF AFFECTIONAL INVOLVEMENT. THIS TERM DOES NOT INCLUDE
A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2
INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.]

22 Enacting section 1. This amendatory act takes effect April
23 1, 2002.