

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5281**

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 had a child
9 in common, or a resident or former resident of his or her
10 household, is guilty of a misdemeanor punishable by imprisonment

HB 5281, As Passed Senate, December 13, 2001

House Bill No. 5281

2

1 for not more than 93 days or a fine of not more than \$500.00, or
2 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
7 BATTERY in violation of subsection (2), and who has previously
8 been convicted of assaulting or assaulting and battering his or
9 her spouse or former spouse, 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, ~~in violation of this section or a local~~
12 ~~ordinance substantially corresponding to this section, or in vio-~~
13 ~~lation of section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE
14 FOLLOWING, may be punished by imprisonment for not more than 1
15 year or a fine of not more than \$1,000.00, or both: ~~—~~

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

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

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

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

HB 5281, As Passed Senate, December 13, 2001

House Bill No. 5281

3

1 his or her spouse or former spouse, an individual with whom he or
2 she has had a child in common, or a resident or former resident
3 of his or her household, ~~in violation of this section or a local~~
4 ~~ordinance substantially corresponding to this section, or in vio-~~
5 ~~lation of section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE
6 FOLLOWING, is guilty of a felony punishable by imprisonment for
7 not more than 2 years or a fine of not more than \$2,500.00, or
8 both: —

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

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

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

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

18 Enacting section 1. This amendatory act takes effect
19 April 1, 2002.