

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5300**

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2950a (MCL 600.2950a), as amended by 1999  
PA 268.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2950a. (1) Except as provided in subsections (25) and  
2 (26), by commencing an independent action to obtain relief under  
3 this section, by joining a claim to an action, or by filing a  
4 motion in an action in which the petitioner and the individual to  
5 be restrained or enjoined are parties, an individual may petition  
6 the family division of circuit court to enter a personal protec-  
7 tion order to restrain or enjoin an individual from engaging in  
8 conduct that is prohibited under section 411h or 411i of the  
9 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.  
10 Relief shall not be granted unless the petition alleges facts

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1 that constitute stalking as defined in section 411h or 411i of  
2 the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.  
3 Relief may be sought and granted under this section whether or  
4 not the individual to be restrained or enjoined has been charged  
5 or convicted under section 411h or 411i of the Michigan penal  
6 code, 1931 PA 328, MCL 750.411h and 750.411i, for the alleged  
7 violation.

8       (2) If the respondent is a person who is issued a license to  
9 carry a concealed weapon and is required to carry a weapon as a  
10 condition of his or her employment, a police officer certified by  
11 the commission on law enforcement standards act, 1965 PA 203,  
12 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of  
13 the Michigan department of state police, a local corrections  
14 officer, a department of corrections employee, or a federal law  
15 enforcement officer who carries a firearm during the normal  
16 course of his or her employment, the petitioner shall notify the  
17 court of the respondent's occupation prior to the issuance of the  
18 personal protection order. This subsection does not apply to a  
19 petitioner who does not know the respondent's occupation.

20       (3) A petitioner may omit his or her address of residence  
21 from documents filed with the court ~~pursuant to~~ UNDER this  
22 section. If a petitioner omits his or her address of residence,  
23 the petitioner shall provide the court a mailing address.

24       (4) If ~~the~~ A court refuses to grant a personal protection  
25 order, ~~it~~ THE COURT shall immediately state in writing the spe-  
26 cific reasons ~~it refused~~ FOR ISSUING OR REFUSING to issue a  
27 personal protection order. If a hearing is held, the court shall

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1 also immediately state on the record the specific reasons ~~it~~  
2 ~~refuses~~ FOR ISSUING OR REFUSING to issue a personal protection  
3 order.

4 (5) A personal protection order shall not be made mutual.  
5 Correlative separate personal protection orders are prohibited  
6 unless both parties have properly petitioned the court ~~pursuant~~  
7 ACCORDING to subsection (1).

8 (6) A personal protection order is effective and immediately  
9 enforceable ANYWHERE IN THIS STATE when signed by a judge. UPON  
10 SERVICE, A PERSONAL PROTECTION ORDER ALSO MAY BE ENFORCED BY  
11 ANOTHER STATE, AN INDIAN TRIBE, OR A TERRITORY OF THE UNITED  
12 STATES.

13 (7) The court shall designate the law enforcement agency  
14 that is responsible for entering the personal protection order  
15 into the ~~law law enforcement information network as provided by~~  
16 ~~the L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211~~  
17 ~~to 28.216~~ L.E.I.N.

18 (8) A personal protection order issued under this section  
19 shall include all of the following, and to the extent practicable  
20 ~~the following shall be~~ contained in a single form:

21 (a) A statement that the personal protection order has been  
22 entered to enjoin or restrain conduct listed in the order and  
23 that violation of the personal protection order will subject the  
24 individual restrained or enjoined to ~~either~~ 1 OR MORE of the  
25 following:

26 (i) If the respondent is 17 years of age or more, immediate  
27 arrest and the civil and criminal contempt powers of the court,

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1 and that if he or she is found guilty of criminal contempt, he or  
2 she shall be imprisoned for not more than 93 days and may be  
3 fined not more than \$500.00.

4 (ii) If the respondent is less than 17 years of age, to  
5 immediate apprehension or being taken into custody, and subject  
6 to the dispositional alternatives listed in section 18 of chapter  
7 XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.18.

8 (iii) IF THE RESPONDENT VIOLATES THE PERSONAL PROTECTION  
9 ORDER IN A JURISDICTION OTHER THAN THIS STATE, THE RESPONDENT IS  
10 SUBJECT TO THE ENFORCEMENT PROCEDURES AND PENALTIES OF THE STATE,  
11 INDIAN TRIBE, OR UNITED STATES TERRITORY UNDER WHOSE JURISDICTION  
12 THE VIOLATION OCCURRED.

13 (b) A statement that the personal protection order is effec-  
14 tive and immediately enforceable ANYWHERE IN THIS STATE when  
15 signed by a judge, AND THAT UPON SERVICE, A PERSONAL PROTECTION  
16 ORDER ALSO MAY BE ENFORCED BY ANOTHER STATE, AN INDIAN TRIBE, OR  
17 A TERRITORY OF THE UNITED STATES.

18 (c) A statement listing ~~the~~ EACH type ~~or types~~ of con-  
19 duct enjoined.

20 (d) An expiration date stated clearly on the face of the  
21 order.

22 (e) A statement that the personal protection order is  
23 enforceable anywhere in Michigan by any law enforcement agency.

24 (f) The law enforcement agency designated by the court to  
25 enter the personal protection order into the ~~law enforcement~~  
26 ~~information network~~ L.E.I.N.

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1 (g) For AN ex parte ~~orders~~ ORDER, a statement that the  
2 individual restrained or enjoined may file a motion to modify or  
3 rescind the personal protection order and request a hearing  
4 within 14 days after the individual restrained or enjoined has  
5 been served or has received actual notice of the personal protec-  
6 tion order and that motion forms and filing instructions are  
7 available from the clerk of the court.

8 (9) An ex parte personal protection order shall not be  
9 issued and effective without written or oral notice to the indi-  
10 vidual enjoined or his or her attorney unless it clearly appears  
11 from specific facts shown by verified complaint, written motion,  
12 or affidavit that immediate and irreparable injury, loss, or  
13 damage will result from the delay required to effectuate notice  
14 or that the notice will ~~itself~~ precipitate adverse action  
15 before a personal protection order can be issued.

16 (10) A personal protection order issued under subsection (9)  
17 is valid for not less than 182 days. The individual restrained  
18 or enjoined may file a motion to modify or rescind the personal  
19 protection order and request a hearing ~~pursuant to~~ UNDER the  
20 Michigan court rules. The motion to modify or rescind the per-  
21 sonal protection order shall be filed within 14 days after the  
22 order is served or after the individual restrained or enjoined  
23 has received actual notice of the personal protection order  
24 unless good cause is shown for filing the motion after ~~the~~ 14  
25 days have elapsed.

26 (11) Except as otherwise provided in this subsection, the  
27 court shall schedule a hearing on the motion to modify or rescind

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1 the ex parte personal protection order within 14 days after the  
2 filing of the motion to modify or rescind. If the respondent is  
3 a person described in subsection (2) and the personal protection  
4 order prohibits him or her from purchasing or possessing a fire-  
5 arm, the court shall schedule a hearing on the motion to modify  
6 or rescind the ex parte personal protection order within 5 days  
7 after the filing of the motion to modify or rescind.

8 (12) The clerk of the court that issues a personal protec-  
9 tion order shall do all of the following immediately upon issu-  
10 ance ~~and~~ without requiring ~~a~~ proof of service on the individ-  
11 ual restrained or enjoined:

12 (a) File a true copy of the personal protection order with  
13 the law enforcement agency designated by the court in the per-  
14 sonal protection order.

15 (b) Provide petitioner with not less than 2 true copies of  
16 the personal protection order.

17 (c) If respondent is identified in the pleadings as a law  
18 enforcement officer, notify the officer's employing law enforce-  
19 ment agency about the existence of the personal protection  
20 order.

21 (d) If the personal protection order prohibits THE respon-  
22 dent from purchasing or possessing a firearm, notify the con-  
23 cealed weapon licensing board in respondent's county of residence  
24 about the existence and ~~contents~~ CONTENT of the personal pro-  
25 tection order.

26 (e) If the respondent is identified in the pleadings as a  
27 department of corrections employee, notify the state department

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1 of corrections about the existence of the personal protection  
2 order.

3       (f) If the respondent is identified in the pleadings as  
4 being a person who may have access to information concerning the  
5 petitioner or a child of the petitioner or respondent and that  
6 information is contained in friend of the court records, notify  
7 the friend of the court for the county in which the information  
8 is located about the existence of the personal protection order.

9       (13) The clerk of the court shall inform the petitioner that  
10 he or she may take a true copy of the personal protection order  
11 to the law enforcement agency designated by the court in subsec-  
12 tion (7) to be immediately entered into the ~~law enforcement~~  
13 ~~information network~~ L.E.I.N.

14       (14) The law enforcement agency that receives a true copy of  
15 the personal protection order under subsection (12) or (13) shall  
16 immediately, ~~and~~ without requiring proof of service, enter the  
17 personal protection order into the ~~law enforcement information~~  
18 ~~network, as provided by the L.E.I.N. policy council act of 1974,~~  
19 ~~1974 PA 163, MCL 28.211 to 28.216~~ L.E.I.N.

20       (15) A personal protection order issued under this section  
21 shall be served personally or by registered or certified mail,  
22 return receipt requested, delivery restricted to the addressee at  
23 the last known address or addresses of the individual restrained  
24 or enjoined or by any other manner provided in the Michigan court  
25 rules. If the individual restrained or enjoined has not been  
26 served, a law enforcement officer or clerk of the court who knows  
27 that a personal protection order exists may, at any time, serve

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1 the individual restrained or enjoined with a true copy of the  
2 order or advise the individual restrained or enjoined about the  
3 existence of the personal protection order, the specific conduct  
4 enjoined, the penalties for violating the order, and where the  
5 individual restrained or enjoined may obtain a copy of the  
6 order. If the respondent is less than 18 years of age, the  
7 parent, guardian, or custodian of that individual shall also be  
8 served personally or by registered or certified mail, return  
9 receipt requested, delivery restricted to the addressee at the  
10 last known address or addresses of the parent, guardian, or cus-  
11 todian of the individual restrained or enjoined. A proof of  
12 service or proof of oral notice shall be filed with the clerk of  
13 the court issuing the personal protection order. This subsection  
14 does not prohibit the immediate effectiveness of a personal pro-  
15 tection order or ~~its~~ immediate enforcement under ~~subsections~~  
16 SUBSECTION (18) ~~and~~ OR (19).

17 (16) The clerk of the court shall immediately notify the law  
18 enforcement agency that received the personal protection order  
19 under subsection (12) or (13) if either of the following occurs:

20 (a) The clerk of the court has received proof that the indi-  
21 vidual restrained or enjoined has been served.

22 (b) The personal protection order is rescinded, modified, or  
23 extended by court order.

24 (17) The law enforcement agency that receives information  
25 under subsection (16) shall enter the information or cause the  
26 information to be entered into the ~~law enforcement information~~



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1 ~~network as provided by the L.E.I.N. policy council act of 1974,~~  
2 ~~1974 PA 163, MCL 28.211 to 28.216~~ L.E.I.N.

3 (18) Subject to subsection (19), a personal protection order  
4 is immediately enforceable anywhere in this state by any law  
5 enforcement agency that has received a true copy of the order, is  
6 shown a copy of it, or has verified its existence on the ~~law~~  
7 ~~enforcement information network as provided by the~~  
8 ~~L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to~~  
9 ~~28.216~~ L.E.I.N.

10 (19) If the individual restrained or enjoined has not been  
11 served, the law enforcement agency or officer responding to a  
12 call alleging a violation of a personal protection order shall  
13 serve the individual restrained or enjoined with a true copy of  
14 the order or advise the individual restrained or enjoined about  
15 the existence of the personal protection order, the specific con-  
16 duct enjoined, the penalties for violating the order, and where  
17 the individual restrained or enjoined may obtain a copy of the  
18 order. The law enforcement officer shall enforce the personal  
19 protection order and immediately enter or cause to be entered  
20 into the ~~law enforcement information network~~ L.E.I.N. that the  
21 individual restrained or enjoined has actual notice of the per-  
22 sonal protection order. The law enforcement officer also shall  
23 file a proof of service or proof of oral notice with the clerk of  
24 the court issuing the personal protection order. If the individ-  
25 ual restrained or enjoined has not received notice of the per-  
26 sonal protection order, the individual restrained or enjoined  
27 shall be given an opportunity to comply with the personal

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1 protection order before the law enforcement officer makes a  
2 custodial arrest for violation of the personal protection order.  
3 ~~The failure~~ FAILURE to immediately comply with the personal  
4 protection order ~~shall be~~ IS grounds for an immediate custodial  
5 arrest. This subsection does not preclude an arrest under  
6 section 15 or 15a of chapter IV of the code of criminal proce-  
7 dure, 1927 PA 175, MCL 764.15 and 764.15a, or a proceeding under  
8 section 14 of chapter XIIIA of THE PROBATE CODE OF 1939, 1939  
9 PA 288, MCL 712A.14.

10 (20) An individual ~~who is~~ 17 years of age or more ~~and~~  
11 who refuses or fails to comply with a personal protection order  
12 issued under this section is subject to the criminal contempt  
13 powers of the court and, if found guilty of criminal contempt,  
14 shall be imprisoned for not more than 93 days and may be fined  
15 not more than \$500.00. An individual ~~who is~~ less than 17 years  
16 of age ~~and~~ who refuses or fails to comply with a personal pro-  
17 tection order issued under this section is subject to the dispo-  
18 sitional alternatives listed in section 18 of chapter XIIIA of THE  
19 PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.18. The criminal  
20 penalty provided for under this section may be imposed in addi-  
21 tion to any penalty that may be imposed for any other criminal  
22 offense arising from the same conduct.

23 (21) An individual who knowingly and intentionally makes a  
24 false statement to the court in support of his or her petition  
25 for a personal protection order is subject to the contempt powers  
26 of the court.

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1 (22) A personal protection order issued under this section  
2 is also enforceable under chapter XIIIA of THE PROBATE CODE OF  
3 1939, 1939 PA 288, MCL 712A.1 to ~~712A.31~~ 712A.32, and  
4 section 15b of chapter IV of the code of criminal procedure, 1927  
5 PA 175, MCL 764.15b.

6 (23) A personal protection order issued under this section  
7 may enjoin or restrain an individual from purchasing or possess-  
8 ing a firearm.

9 (24) A personal protection order issued under this section  
10 is also enforceable under chapter 17.

11 (25) A court shall not issue a personal protection order  
12 that restrains or enjoins conduct described in subsection (1) if  
13 ~~either~~ ANY of the following ~~applies~~ APPLY:

14 (a) The respondent is the unemancipated minor child of the  
15 petitioner.

16 (b) The petitioner is the unemancipated minor child of the  
17 respondent.

18 (C) THE RESPONDENT IS A MINOR CHILD LESS THAN 10 YEARS OF  
19 AGE.

20 (26) If the respondent is less than 18 years of age, issu-  
21 ance of a personal protection order under this section is subject  
22 to chapter XIIIA of the probate code of 1939, 1939 PA 288,  
23 MCL 712A.1 to 712A.32.

24 (27) A personal protection order that is issued ~~prior to~~  
25 ~~the effective date of the amendatory act that added this~~  
26 ~~subsection~~ BEFORE MARCH 1, 1999 is not invalid on the ground

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1 that it does not comply with 1 or more of the requirements added  
2 by ~~that amendatory act~~ 1998 PA 476.

3 (28) A court shall not issue a personal protection order  
4 under this section if the petitioner is a prisoner. If a per-  
5 sonal protection order is issued in violation of this subsection,  
6 a court shall rescind the personal protection order upon notifi-  
7 cation and verification that the petitioner is a prisoner.

8 (29) As used in this section:

9 (a) "Federal law enforcement officer" means an officer or  
10 agent employed by a law enforcement agency of the United States  
11 government whose primary responsibility is the enforcement of  
12 laws of the United States.

13 (B) "L.E.I.N." MEANS THE LAW ENFORCEMENT INFORMATION NET-  
14 WORK ADMINISTERED UNDER THE L.E.I.N. POLICY COUNCIL ACT OF 1974,  
15 1974 PA 163, MCL 28.211 TO 28.216.

16 (C) ~~(b)~~ "Personal protection order" means an injunctive  
17 order issued by circuit court or the family division of circuit  
18 court restraining or enjoining conduct prohibited under section  
19 411h or 411i of the Michigan penal code, 1931 PA 328,  
20 MCL 750.411h and 750.411i.

21 (D) ~~(c)~~ "Prisoner" means a person subject to carcera-  
22 tion, detention, or admission to a prison who is accused of, con-  
23 victed of, sentenced for, or adjudicated delinquent for viola-  
24 tions of federal, state, or local law or the terms and conditions  
25 of parole, probation, pretrial release, or a diversionary  
26 program.

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

3 Enacting section 2. This amendatory act does not take  
4 effect unless all of the following bills of the 91st Legislature  
5 are enacted into law:

- 6 (a) Senate Bill No. 729.
- 7 (b) Senate Bill No. 753.
- 8 (c) Senate Bill No. 754.
- 9 (d) Senate Bill No. 757.
- 10 (e) Senate Bill No. 758.
- 11 (f) House Bill No. 5275.
- 12 (g) House Bill No. 5299.
- 13 (h) House Bill No. 5303.
- 14 (i) House Bill No. 5304.