

SB 723, As Passed Senate, November 8, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 723**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 81 and 81a (MCL 750.81 and 750.81a), section
81 as amended by 2000 PA 462 and section 81a as amended by 1999
PA 270.

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 A
9 DATING RELATIONSHIP, AN INDIVIDUAL with whom he or she has had a

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1 child in common, or a resident or former resident of his or her
2 household, is guilty of a misdemeanor punishable by imprisonment
3 for not more than 93 days or a fine of not more than \$500.00, or
4 both.

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

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

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

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

25 (4) An individual who ~~assaults or assaults and batters his~~
26 ~~or her spouse or former spouse, an individual with whom he or she~~
27 ~~has had a child in common, or a resident or former resident of~~

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

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

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

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

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

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

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1 Sec. 81a. (1) ~~A~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SECTION, A person who assaults an individual without a weapon and
3 inflicts serious or aggravated injury upon that individual with-
4 out intending to commit murder or to inflict great bodily harm
5 less than murder is guilty of a misdemeanor punishable by impris-
6 onment for not more than 1 year or a fine of not more than
7 \$1,000.00, or both.

8 (2) Except as provided in subsection (3), an individual who
9 assaults his or her spouse or former spouse, an individual WITH
10 WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP, AN
11 INDIVIDUAL with whom he or she has had a child in common, or a
12 resident or former resident of the same household without a
13 weapon and inflicts serious or aggravated injury upon that indi-
14 vidual without intending to commit murder or to inflict great
15 bodily harm less than murder is guilty of a misdemeanor punish-
16 able by imprisonment for not more than 1 year or a fine of not
17 more than \$1,000.00, or both.

18 (3) An individual who ~~assaults his or her spouse or former~~
19 ~~spouse, an individual with whom he or she has had a child in~~
20 ~~common, or a resident or former resident of the same household,~~
21 COMMITS AN ASSAULT AND BATTERY in violation of subsection (2),
22 and who has 1 or more previous convictions for assaulting or
23 assaulting and battering his or her spouse or former spouse, an
24 individual WITH WHOM HE OR SHE HAS OR HAS HAD A DATING RELATION-
25 SHIP, AN INDIVIDUAL with whom he or she has had a child in
26 common, or a resident or former resident of the same household,
27 in violation of ~~this section or section 81, 82, 83, 84, or 86 or~~

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1 ~~a local ordinance substantially corresponding to section 81~~ ANY
2 OF THE FOLLOWING, is guilty of a felony punishable by imprison-
3 ment for not more than 2 years or a fine of not more than
4 \$2,500.00, or both: —

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

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

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

11 (4) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS
12 FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE
13 EXPECTATION OF AFFECTIONAL INVOLVEMENT. THIS TERM DOES NOT
14 INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION
15 BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

16 Enacting section 1. This amendatory act takes effect April
17 1, 2002.