

HOUSE BILL No. 4207

February 13, 2001, Introduced by Reps. Vear, Spade and Raczkowski and referred to the Committee on Criminal Justice.

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 person who assaults or assaults and batters
2 an individual, if no other punishment is prescribed by law, is
3 guilty of a misdemeanor punishable by imprisonment for not more
4 than 90 days or a fine of not more than \$500.00, or both.

5 (2) Except as provided in subsection (3) or (4), an individ-
6 ual who assaults or assaults and batters his or her spouse or
7 former spouse, an individual with whom he or she has had a child
8 in common, or a resident or former resident of his or her
9 household, is guilty of a misdemeanor punishable by imprisonment

1 for not more than ~~93 days~~ 1 YEAR 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, in violation of subsection (2), and who has
7 previously been convicted of assaulting or assaulting and batter-
8 ing his or her spouse or former spouse, an individual with whom
9 he or she has had a child in common, or a resident or former res-
10 ident of his or her household, in violation of this section or a
11 local ordinance substantially corresponding to this section, or
12 in violation of section 81a, 82, 83, 84, or 86, ~~may be punished~~
13 IS GUILTY OF A FELONY PUNISHABLE by imprisonment for not more
14 than ~~1 year~~ 2 YEARS or a fine of not more than \$1,000.00, or
15 both.

16 (4) An individual who assaults or assaults and batters his
17 or her spouse or former spouse, an individual with whom he or she
18 has had a child in common, or a resident or former resident of
19 his or her household, in violation of subsection (2), and who has
20 2 or more previous convictions for assaulting or assaulting and
21 battering his or her spouse or former spouse, an individual with
22 whom he or she has had a child in common, or a resident or former
23 resident of his or her household, in violation of this section or
24 a local ordinance substantially corresponding to this section, or
25 in violation of section 81a, 82, 83, 84, or 86, is guilty of a
26 felony punishable by imprisonment for not more than ~~2~~ 3 years
27 or a fine of not more than \$2,500.00, or both.

1 (5) This section does not apply to an individual using
2 necessary reasonable physical force in compliance with
3 section 1312 of the revised school code, 1976 PA 451, MCL
4 380.1312.

5 Sec. 81a. (1) A person who assaults an individual without a
6 weapon and inflicts serious or aggravated injury upon that indi-
7 vidual without intending to commit murder or to inflict great
8 bodily harm less than murder is guilty of a misdemeanor punish-
9 able by imprisonment for not more than 1 year or a fine of not
10 more than \$1,000.00, or both.

11 (2) Except as provided in subsection (3), an individual who
12 assaults his or her spouse or former spouse, an individual with
13 whom he or she has had a child in common, or a resident or former
14 resident of the same household without a weapon and inflicts
15 serious or aggravated injury upon that individual without intend-
16 ing to commit murder or to inflict great bodily harm less than
17 murder is guilty of a ~~misdemeanor~~ FELONY punishable by impris-
18 onment for not more than ~~1 year~~ 2 YEARS or a fine of not more
19 than \$1,000.00, or both.

20 (3) An individual who assaults his or her spouse or former
21 spouse, an individual with whom he or she has had a child in
22 common, or a resident or former resident of the same household,
23 in violation of subsection (2), and who has 1 or more previous
24 convictions for assaulting or assaulting and battering his or her
25 spouse or former spouse, an individual with whom he or she has
26 had a child in common, or a resident or former resident of the
27 same household, in violation of this section or section 81, 82,

1 83, 84, or 86 or a local ordinance substantially corresponding to
2 section 81, is guilty of a felony punishable by imprisonment for
3 not more than ~~2~~ 3 years or a fine of not more than \$2,500.00,
4 or both.