

HOUSE BILL No. 5281

October 17, 2001, Introduced by Reps. Hummel, Vander Veen, Woronchak, Allen, Birkholz, Middaugh, Cassis, Newell, Shackleton, Richardville, Jelinek, Meyer, Pumford, Scranton, Patterson, Toy, Kuipers, Gilbert, Sanborn and DeVuyst and referred to the Committee on Criminal Justice.

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 days
5 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

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, in violation of~~ COMMITS AN ASSAULT OR BAT-
7 TERY UNDER subsection (2), and who has previously been convicted
8 of assaulting or assaulting and battering his or her spouse or
9 former spouse, an individual with whom he or she has had a child
10 in common, or a resident or former resident of his or her house-
11 hold, ~~in violation of this section or a local ordinance substan-~~
12 ~~tially corresponding to this section, or in violation of~~
13 ~~section 81a, 82, 83, 84, or 86~~ UNDER ANY OF THE FOLLOWING, may
14 be punished by imprisonment for not more than 1 year or a fine of
15 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 BAT-
26 TERY UNDER subsection (2), and who has 2 or more previous
27 convictions for assaulting or assaulting and battering his or her

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

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

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

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

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