

HOUSE BILL No. 6227

June 27, 2002, Introduced by Rep. Meyer 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 2001 PA 190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) Except as otherwise provided in this section,
2 a person who assaults or assaults and batters an individual, if
3 no other punishment is prescribed by law, is guilty of a misde-
4 meanor punishable by imprisonment for not more than 93 days or a
5 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
10 child in common, or a resident or former resident of his or her
11 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 commits an assault or an assault and
4 battery in violation of subsection (2), and who has previously
5 been convicted of assaulting or assaulting and battering his or
6 her spouse or former spouse, an individual with whom he or she
7 has or has had a dating relationship, an individual with whom he
8 or she has had a child in common, or a resident or former resi-
9 dent of his or her household, under any of the following, ~~may be~~
10 ~~punished~~ IS GUILTY OF A FELONY PUNISHABLE by imprisonment for
11 not more than ~~1 year~~ 2 YEARS or a fine of not more than
12 ~~\$1,000.00~~ \$1,500.00, or 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 (4) An individual who commits an assault or an assault and
20 battery in violation of subsection (2), and who has 2 or more
21 previous convictions for assaulting or assaulting and battering
22 his or her spouse or former spouse, an individual with whom he or
23 she has or has had a dating relationship, an individual with whom
24 he or she has had a child in common, or a resident or former resi-
25 dent of his or her household, under any of the following, is
26 guilty of a felony punishable by imprisonment for not more than
27 ~~2~~ 4 years or a fine of not more than \$2,500.00, or both:

1 (a) This section or an ordinance of a political subdivision
2 of this state substantially corresponding to this section.

3 (b) Section 81a, 82, 83, 84, or 86.

4 (c) A law of another state or an ordinance of a political
5 subdivision of another state substantially corresponding to this
6 section or section 81a, 82, 83, 84, or 86.

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

10 (6) As used in this section, "dating relationship" means
11 frequent, intimate associations primarily characterized by the
12 expectation of affectional involvement. This term does not
13 include a casual relationship or an ordinary fraternization
14 between 2 individuals in a business or social context.