

Act No. 189
Public Acts of 2001
Approved by the Governor
December 27, 2001
Filed with the Secretary of State
December 27, 2001
EFFECTIVE DATE: April 1, 2002

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 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 DeVuyt
Reps. Anderson, Basham, Caul, Clarke, DeRossett, Drolet, Ehardt, Faunce, George, Hager, Hardman, Jacobs, Jansen, Julian, Kooiman, McConico, Mead, Murphy, Neumann, Pestka, Phillips, Raczkowski, Rocca, Schauer, Schermesser, Sheltroun, Shulman, Stamas, Stewart, Vander Roest, Van Woerkom, Vear, Voorhees, Wojno and Zelenko named co-sponsors**

ENROLLED HOUSE BILL No. 5281

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 81 (MCL 750.81), as amended by 2000 PA 462.

The People of the State of Michigan enact:

Sec. 81. (1) Except as otherwise provided in this section, a person who assaults or assaults and batters an individual, if no other punishment is prescribed by law, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(2) Except as provided in subsection (3) or (4), an individual who assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(3) An individual who commits an assault or an assault and battery in violation of subsection (2), and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, may be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both:

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

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

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

(4) An individual who commits an assault or an assault and battery under subsection (2), and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household, under any of the following, is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2,500.00, or both:

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

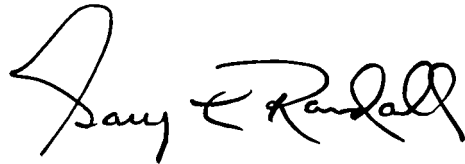
(b) Section 81a, 82, 83, 84, or 86.

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

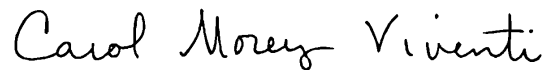
(5) This section does not apply to an individual using necessary reasonable physical force in compliance with section 1312 of the revised school code, 1976 PA 451, MCL 380.1312.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.