



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

ALLOW ISSUANCE OF PPO AFTER ONE INCIDENT OF STALKING

House Bill 4066
Sponsor: Rep. Lisa Wojno
Committee: Judiciary

Complete to 2-5-03

A SUMMARY OF HOUSE BILL 4066 AS INTRODUCED 1-28-03

House Bill 4066 would amend the Revised Judicature Act (Public Act 236 of 1961) to allow the circuit court to issue a personal protection order after only one incident of harassment that causes a (reasonable) person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

Under the RJA, an individual may petition the family division of circuit court to enter a personal protection order (PPO) to prohibit someone from stalking him or her. The RJA specifies that relief may be granted only if the petition alleges facts that constitute “stalking”, as defined in the Michigan Penal Code (Public Act 328 of 1931)—i.e., “a willful *course of conduct* involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested” (emphasis added). The penal code defines “course of conduct” as “a pattern of conduct composed of a series of two or more separate noncontinuous acts evidencing a continuity of purpose”. Thus, under the penal code, a single incident of such harassment does not constitute stalking, and therefore, under the RJA, an individual may petition for a PPO only if an individual has harassed him or her (as described above) more than once. The bill would, instead, permit an individual to seek and be granted relief under the RJA without alleging or showing a course of conduct as required for stalking under the penal code.

The bill would also clarify that certain procedural requirements imposed on the clerk of “the court” apply to the clerk of the court that issued the PPO, and would also clarify instances in which the court may not issue PPOs.

MCL 600.2950a

Analyst: J. Caver

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