

SENATE BILL No. 892

December 10, 2003, Introduced by Senators PATTERSON, McMANUS, KUIPERS,
JELINEK, TOY, BARCIA, BIRKHOLZ, GOSCHKA and ALLEN and referred to the
Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a),
section 2950 as amended by 2001 PA 200 and section 2950a as
amended by 2001 PA 201.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2950. (1) Except as provided in subsections (27) and
2 (28), by commencing an independent action to obtain relief under
3 this section, by joining a claim to an action, or by filing a
4 motion in an action in which the petitioner and the individual to
5 be restrained or enjoined are parties, an individual may petition
6 the family division of circuit court to enter a personal
7 protection order to restrain or enjoin a spouse, a former spouse,
8 an individual with whom he or she has had a child in common, an
9 individual with whom he or she has or has had a dating

1 relationship, or an individual residing or having resided in the
2 same household as the petitioner from doing 1 or more of the
3 following:

4 (a) Entering onto premises.

5 (b) Assaulting, attacking, beating, molesting, or wounding a
6 named individual.

7 (c) Threatening to kill or physically injure a named
8 individual.

9 (d) Removing minor children from the individual having legal
10 custody of the children, except as otherwise authorized by a
11 custody or parenting time order issued by a court of competent
12 jurisdiction.

13 (e) Purchasing or possessing a firearm.

14 (f) Interfering with petitioner's efforts to remove
15 petitioner's children or personal property from premises that are
16 solely owned or leased by the individual to be restrained or
17 enjoined.

18 (g) Interfering with petitioner at petitioner's place of
19 employment or education or engaging in conduct that impairs
20 petitioner's employment or educational relationship or
21 environment.

22 (h) Having access to information in records concerning a
23 minor child of both petitioner and respondent that will inform
24 respondent about the address or telephone number of petitioner
25 and petitioner's minor child or about petitioner's employment
26 address.

27 (i) Engaging in conduct that is prohibited under section 411h

1 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
2 750.411i.

3 (j) Any other specific act or conduct that imposes upon or
4 interferes with personal liberty or that causes a reasonable
5 apprehension of violence.

6 (2) If the respondent is a person who is issued a license to
7 carry a concealed weapon and is required to carry a weapon as a
8 condition of his or her employment, a police officer certified by
9 the commission on law enforcement standards act, 1965 PA 203,
10 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of
11 the Michigan department of state police, a local corrections
12 officer, department of corrections employee, or a federal law
13 enforcement officer who carries a firearm during the normal
14 course of his or her employment, the petitioner shall notify the
15 court of the respondent's occupation prior to the issuance of the
16 personal protection order. This subsection does not apply to a
17 petitioner who does not know the respondent's occupation.

18 (3) A petitioner may omit his or her address of residence
19 from documents filed with the court under this section. If a
20 petitioner omits his or her address of residence, the petitioner
21 shall provide the court with a mailing address.

22 (4) The court shall issue a personal protection order under
23 this section if the court determines that there is reasonable
24 cause to believe that the individual to be restrained or enjoined
25 may commit 1 or more of the acts listed in subsection (1). In
26 determining whether reasonable cause exists, the court shall
27 consider all of the following:

1 (a) Testimony, documents, or other evidence offered in
2 support of the request for a personal protection order.

3 (b) Whether the individual to be restrained or enjoined has
4 previously committed or threatened to commit 1 or more of the
5 acts listed in subsection (1).

6 (5) A court shall not issue a personal protection order that
7 restrains or enjoins conduct described in subsection (1)(a) if
8 all of the following apply:

9 (a) The individual to be restrained or enjoined is not the
10 spouse of the moving party.

11 (b) The individual to be restrained or enjoined or the
12 parent, guardian, or custodian of the minor to be restrained or
13 enjoined has a property interest in the premises.

14 (c) The moving party or the parent, guardian, or custodian of
15 a minor petitioner has no property interest in the premises.

16 (6) A court shall not refuse to issue a personal protection
17 order solely due to the absence of any of the following:

18 (a) A police report.

19 (b) A medical report.

20 (c) A report or finding of an administrative agency.

21 (d) Physical signs of abuse or violence.

22 (7) If the court refuses to grant a personal protection
23 order, it shall state immediately in writing the specific reasons
24 it refused to issue a personal protection order. If a hearing is
25 held, the court shall also immediately state on the record the
26 specific reasons it refuses to issue a personal protection
27 order.

1 (8) A personal protection order shall not be made mutual.
2 Correlative separate personal protection orders are prohibited
3 unless both parties have properly petitioned the court pursuant
4 to subsection (1).

5 (9) A personal protection order is effective and immediately
6 enforceable anywhere in this state when signed by a judge. Upon
7 service, a personal protection order may also be enforced by
8 another state, an Indian tribe, or a territory of the United
9 States.

10 (10) The court shall designate the law enforcement agency
11 that is responsible for entering the personal protection order
12 into the law enforcement information network as provided by the
13 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to
14 28.216.

15 (11) A personal protection order shall include all of the
16 following, and to the extent practicable the following shall be
17 contained in a single form:

18 (a) A statement that the personal protection order has been
19 entered to restrain or enjoin conduct listed in the order and
20 that violation of the personal protection order will subject the
21 individual restrained or enjoined to 1 or more of the following:

22 (i) If the respondent is 17 years of age or more, immediate
23 arrest and the civil and criminal contempt powers of the court,
24 and that if he or she is found guilty of criminal contempt, he or
25 she shall be imprisoned for not more than 93 days and may be
26 fined not more than \$500.00.

27 (ii) If the respondent is less than 17 years of age,

1 immediate apprehension or being taken into custody, and subject
2 to the dispositional alternatives listed in section 18 of chapter
3 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

4 (iii) If the respondent violates the personal protection
5 order in a jurisdiction other than this state, the respondent is
6 subject to the enforcement procedures and penalties of the state,
7 Indian tribe, or United States territory under whose jurisdiction
8 the violation occurred.

9 (b) A statement that the personal protection order is
10 effective and immediately enforceable anywhere in this state when
11 signed by a judge, and that, upon service, a personal protection
12 order also may be enforced by another state, an Indian tribe, or
13 a territory of the United States.

14 (c) A statement listing the type or types of conduct
15 enjoined.

16 (d) An expiration date stated clearly on the face of the
17 order.

18 (e) A statement that the personal protection order is
19 enforceable anywhere in Michigan by any law enforcement agency.

20 (f) The law enforcement agency designated by the court to
21 enter the personal protection order into the law enforcement
22 information network.

23 (g) For ex parte orders, a statement that the individual
24 restrained or enjoined may file a motion to modify or rescind the
25 personal protection order and request a hearing within 14 days
26 after the individual restrained or enjoined has been served or
27 has received actual notice of the order and that motion forms and

1 filing instructions are available from the clerk of the court.

2 (12) An ex parte personal protection order shall be issued
3 and effective without written or oral notice to the individual
4 restrained or enjoined or his or her attorney if it clearly
5 appears from specific facts shown by verified complaint, written
6 motion, or affidavit that immediate and irreparable injury, loss,
7 or damage will result from the delay required to effectuate
8 notice or that the notice will itself precipitate adverse action
9 before a personal protection order can be issued.

10 (13) A personal protection order issued under subsection (12)
11 is valid for not less than 182 days. The individual restrained
12 or enjoined may file a motion to modify or rescind the personal
13 protection order and request a hearing under the Michigan court
14 rules. The motion to modify or rescind the personal protection
15 order shall be filed within 14 days after the order is served or
16 after the individual restrained or enjoined has received actual
17 notice of the personal protection order unless good cause is
18 shown for filing the motion after the 14 days have elapsed.

19 (14) Except as otherwise provided in this subsection, the
20 court shall schedule a hearing on the motion to modify or rescind
21 the ex parte personal protection order within 14 days after the
22 filing of the motion to modify or rescind. If the respondent is
23 a person described in subsection (2) and the personal protection
24 order prohibits him or her from purchasing or possessing a
25 firearm, the court shall schedule a hearing on the motion to
26 modify or rescind the ex parte personal protection order within 5
27 days after the filing of the motion to modify or rescind.

1 (15) The clerk of the court that issues a personal protection
2 order shall do all of the following immediately upon issuance and
3 without requiring a proof of service on the individual restrained
4 or enjoined:

5 (a) File a true copy of the personal protection order with
6 the law enforcement agency designated by the court in the
7 personal protection order.

8 (b) Provide the petitioner with not less than 2 true copies
9 of the personal protection order.

10 (c) If respondent is identified in the pleadings as a law
11 enforcement officer, notify the officer's employing law
12 enforcement agency, if known, about the existence of the personal
13 protection order.

14 (d) If the personal protection order prohibits respondent
15 from purchasing or possessing a firearm, notify the ~~concealed~~
16 ~~weapon licensing board in respondent's county of residence~~
17 **secretary of state** about the existence and contents of the
18 personal protection order.

19 (e) If the respondent is identified in the pleadings as a
20 department of corrections employee, notify the state department
21 of corrections about the existence of the personal protection
22 order.

23 (f) If the respondent is identified in the pleadings as being
24 a person who may have access to information concerning the
25 petitioner or a child of the petitioner or respondent and that
26 information is contained in friend of the court records, notify
27 the friend of the court for the county in which the information

1 is located about the existence of the personal protection order.

2 (16) The clerk of the court shall inform the petitioner that
3 he or she may take a true copy of the personal protection order
4 to the law enforcement agency designated by the court in
5 subsection (10) to be immediately entered into the law
6 enforcement information network.

7 (17) The law enforcement agency that receives a true copy of
8 the personal protection order under subsection (15) or (16) shall
9 immediately and without requiring proof of service enter the
10 personal protection order into the law enforcement information
11 network as provided by the L.E.I.N. policy council act of 1974,
12 1974 PA 163, MCL 28.211 to 28.216.

13 (18) A personal protection order issued under this section
14 shall be served personally or by registered or certified mail,
15 return receipt requested, delivery restricted to the addressee at
16 the last known address or addresses of the individual restrained
17 or enjoined or by any other manner provided in the Michigan court
18 rules. If the individual restrained or enjoined has not been
19 served, a law enforcement officer or clerk of the court who knows
20 that a personal protection order exists may, at any time, serve
21 the individual restrained or enjoined with a true copy of the
22 order or advise the individual restrained or enjoined about the
23 existence of the personal protection order, the specific conduct
24 enjoined, the penalties for violating the order, and where the
25 individual restrained or enjoined may obtain a copy of the
26 order. If the respondent is less than 18 years of age, the
27 parent, guardian, or custodian of that individual shall also be

1 served personally or by registered or certified mail, return
2 receipt requested, delivery restricted to the addressee at the
3 last known address or addresses of the parent, guardian, or
4 custodian of the individual restrained or enjoined. A proof of
5 service or proof of oral notice shall be filed with the clerk of
6 the court issuing the personal protection order. This subsection
7 does not prohibit the immediate effectiveness of a personal
8 protection order or its immediate enforcement under subsections
9 (21) and (22).

10 (19) The clerk of the court shall immediately notify the law
11 enforcement agency that received the personal protection order
12 under subsection (15) or (16) if either of the following occurs:

13 (a) The clerk of the court has received proof that the
14 individual restrained or enjoined has been served.

15 (b) The personal protection order is rescinded, modified, or
16 extended by court order.

17 (20) The law enforcement agency that receives information
18 under subsection (19) shall enter the information or cause the
19 information to be entered into the law enforcement information
20 network as provided by the L.E.I.N. policy council act of 1974,
21 1974 PA 163, MCL 28.211 to 28.216.

22 (21) Subject to subsection (22), a personal protection order
23 is immediately enforceable anywhere in this state by any law
24 enforcement agency that has received a true copy of the order, is
25 shown a copy of it, or has verified its existence on the law
26 enforcement information network as provided by the
27 L.E.I.N. policy council act of 1974, 1974 PA 163, MCL 28.211 to

1 28.216.

2 (22) If the individual restrained or enjoined has not been
3 served, the law enforcement agency or officer responding to a
4 call alleging a violation of a personal protection order shall
5 serve the individual restrained or enjoined with a true copy of
6 the order or advise the individual restrained or enjoined about
7 the existence of the personal protection order, the specific
8 conduct enjoined, the penalties for violating the order, and
9 where the individual restrained or enjoined may obtain a copy of
10 the order. The law enforcement officer shall enforce the
11 personal protection order and immediately enter or cause to be
12 entered into the law enforcement information network that the
13 individual restrained or enjoined has actual notice of the
14 personal protection order. The law enforcement officer also
15 shall file a proof of service or proof of oral notice with the
16 clerk of the court issuing the personal protection order. If the
17 individual restrained or enjoined has not received notice of the
18 personal protection order, the individual restrained or enjoined
19 shall be given an opportunity to comply with the personal
20 protection order before the law enforcement officer makes a
21 custodial arrest for violation of the personal protection order.
22 The failure to immediately comply with the personal protection
23 order shall be grounds for an immediate custodial arrest. This
24 subsection does not preclude an arrest under section 15 or 15a of
25 chapter IV of the code of criminal procedure, 1927 PA 175,
26 MCL 764.15 and 764.15a, or a proceeding under section 14 of
27 chapter XIIA of the probate code of 1939, 1939 PA 288,

1 MCL 712A.14.

2 (23) An individual who is 17 years of age or more and who
3 refuses or fails to comply with a personal protection order under
4 this section is subject to the criminal contempt powers of the
5 court and, if found guilty, shall be imprisoned for not more than
6 93 days and may be fined not more than \$500.00. An individual
7 who is less than 17 years of age and who refuses or fails to
8 comply with a personal protection order issued under this section
9 is subject to the dispositional alternatives listed in section 18
10 of chapter XIIIA of the probate code of 1939, 1939 PA 288,
11 MCL 712A.18. The criminal penalty provided for under this
12 section may be imposed in addition to a penalty that may be
13 imposed for another criminal offense arising from the same
14 conduct.

15 (24) An individual who knowingly and intentionally makes a
16 false statement to the court in support of his or her petition
17 for a personal protection order is subject to the contempt powers
18 of the court.

19 (25) A personal protection order issued under this section is
20 also enforceable under chapter XIIIA of the probate code of 1939,
21 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV
22 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

23 (26) A personal protection order issued under this section is
24 also enforceable under chapter 17.

25 (27) A court shall not issue a personal protection order that
26 restrains or enjoins conduct described in subsection (1) if any
27 of the following apply:

1 (a) The respondent is the unemancipated minor child of the
2 petitioner.

3 (b) The petitioner is the unemancipated minor child of the
4 respondent.

5 (c) The respondent is a minor child less than 10 years of
6 age.

7 (28) If the respondent is less than 18 years of age, issuance
8 of a personal protection order under this section is subject to
9 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
10 to 712A.32.

11 (29) A personal protection order that is issued prior to the
12 effective date of the amendatory act that added this subsection
13 is not invalid on the ground that it does not comply with 1 or
14 more of the requirements added by this amendatory act.

15 (30) As used in this section:

16 (a) "Dating relationship" means frequent, intimate
17 associations primarily characterized by the expectation of
18 affectional involvement. This term does not include a casual
19 relationship or an ordinary fraternization between 2 individuals
20 in a business or social context.

21 (b) "Federal law enforcement officer" means an officer or
22 agent employed by a law enforcement agency of the United States
23 government whose primary responsibility is the enforcement of
24 laws of the United States.

25 (c) "Personal protection order" means an injunctive order
26 issued by the circuit court or the family division of circuit
27 court restraining or enjoining activity and individuals listed in

1 subsection (1).

2 Sec. 2950a. (1) Except as provided in subsections (25) and
3 (26), by commencing an independent action to obtain relief under
4 this section, by joining a claim to an action, or by filing a
5 motion in an action in which the petitioner and the individual to
6 be restrained or enjoined are parties, an individual may petition
7 the family division of circuit court to enter a personal
8 protection order to restrain or enjoin an individual from
9 engaging in conduct that is prohibited under section 411h or 411i
10 of the Michigan penal code, 1931 PA 328, MCL 750.411h and
11 750.411i. Relief shall not be granted unless the petition
12 alleges facts that constitute stalking as defined in section 411h
13 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
14 750.411i. Relief may be sought and granted under this section
15 whether or not the individual to be restrained or enjoined has
16 been charged or convicted under section 411h or 411i of the
17 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i, for
18 the alleged violation.

19 (2) If the respondent is a person who is issued a license to
20 carry a concealed weapon and is required to carry a weapon as a
21 condition of his or her employment, a police officer certified by
22 the commission on law enforcement standards act, 1965 PA 203,
23 MCL 28.601 to 28.616, a sheriff, a deputy sheriff or a member of
24 the Michigan department of state police, a local corrections
25 officer, a department of corrections employee, or a federal law
26 enforcement officer who carries a firearm during the normal
27 course of his or her employment, the petitioner shall notify the

1 court of the respondent's occupation prior to the issuance of the
2 personal protection order. This subsection does not apply to a
3 petitioner who does not know the respondent's occupation.

4 (3) A petitioner may omit his or her address of residence
5 from documents filed with the court under this section. If a
6 petitioner omits his or her address of residence, the petitioner
7 shall provide the court a mailing address.

8 (4) If a court refuses to grant a personal protection order,
9 the court shall immediately state in writing the specific reasons
10 for issuing or refusing to issue a personal protection order. If
11 a hearing is held, the court shall also immediately state on the
12 record the specific reasons for issuing or refusing to issue a
13 personal protection order.

14 (5) A personal protection order shall not be made mutual.
15 Correlative separate personal protection orders are prohibited
16 unless both parties have properly petitioned the court according
17 to subsection (1).

18 (6) A personal protection order is effective and immediately
19 enforceable anywhere in this state when signed by a judge. Upon
20 service, a personal protection order also may be enforced by
21 another state, an Indian tribe, or a territory of the United
22 States.

23 (7) The court shall designate the law enforcement agency that
24 is responsible for entering the personal protection order into
25 the L.E.I.N.

26 (8) A personal protection order issued under this section
27 shall include all of the following, and to the extent practicable

1 contained in a single form:

2 (a) A statement that the personal protection order has been
3 entered to enjoin or restrain conduct listed in the order and
4 that violation of the personal protection order will subject the
5 individual restrained or enjoined to 1 or more of the following:

6 (i) If the respondent is 17 years of age or more, immediate
7 arrest and the civil and criminal contempt powers of the court,
8 and that if he or she is found guilty of criminal contempt, he or
9 she shall be imprisoned for not more than 93 days and may be
10 fined not more than \$500.00.

11 (ii) If the respondent is less than 17 years of age, to
12 immediate apprehension or being taken into custody, and subject
13 to the dispositional alternatives listed in section 18 of chapter
14 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.

15 (iii) If the respondent violates the personal protection
16 order in a jurisdiction other than this state, the respondent is
17 subject to the enforcement procedures and penalties of the state,
18 Indian tribe, or United States territory under whose jurisdiction
19 the violation occurred.

20 (b) A statement that the personal protection order is
21 effective and immediately enforceable anywhere in this state when
22 signed by a judge, and that upon service, a personal protection
23 order also may be enforced by another state, an Indian tribe, or
24 a territory of the United States.

25 (c) A statement listing each type of conduct enjoined.

26 (d) An expiration date stated clearly on the face of the
27 order.

1 (e) A statement that the personal protection order is
2 enforceable anywhere in Michigan by any law enforcement agency.

3 (f) The law enforcement agency designated by the court to
4 enter the personal protection order into the L.E.I.N.

5 (g) For an ex parte order, a statement that the individual
6 restrained or enjoined may file a motion to modify or rescind the
7 personal protection order and request a hearing within 14 days
8 after the individual restrained or enjoined has been served or
9 has received actual notice of the personal protection order and
10 that motion forms and filing instructions are available from the
11 clerk of the court.

12 (9) An ex parte personal protection order shall not be issued
13 and effective without written or oral notice to the individual
14 enjoined or his or her attorney unless it clearly appears from
15 specific facts shown by verified complaint, written motion, or
16 affidavit that immediate and irreparable injury, loss, or damage
17 will result from the delay required to effectuate notice or that
18 the notice will precipitate adverse action before a personal
19 protection order can be issued.

20 (10) A personal protection order issued under subsection (9)
21 is valid for not less than 182 days. The individual restrained
22 or enjoined may file a motion to modify or rescind the personal
23 protection order and request a hearing under the Michigan court
24 rules. The motion to modify or rescind the personal protection
25 order shall be filed within 14 days after the order is served or
26 after the individual restrained or enjoined has received actual
27 notice of the personal protection order unless good cause is

1 shown for filing the motion after 14 days have elapsed.

2 (11) Except as otherwise provided in this subsection, the
3 court shall schedule a hearing on the motion to modify or rescind
4 the ex parte personal protection order within 14 days after the
5 filing of the motion to modify or rescind. If the respondent is
6 a person described in subsection (2) and the personal protection
7 order prohibits him or her from purchasing or possessing a
8 firearm, the court shall schedule a hearing on the motion to
9 modify or rescind the ex parte personal protection order within 5
10 days after the filing of the motion to modify or rescind.

11 (12) The clerk of the court that issues a personal protection
12 order shall do all of the following immediately upon issuance
13 without requiring proof of service on the individual restrained
14 or enjoined:

15 (a) File a true copy of the personal protection order with
16 the law enforcement agency designated by the court in the
17 personal protection order.

18 (b) Provide petitioner with not less than 2 true copies of
19 the personal protection order.

20 (c) If respondent is identified in the pleadings as a law
21 enforcement officer, notify the officer's employing law
22 enforcement agency about the existence of the personal protection
23 order.

24 (d) If the personal protection order prohibits the respondent
25 from purchasing or possessing a firearm, notify the ~~concealed~~
26 ~~weapon licensing board in respondent's county of residence~~
27 **secretary of state** about the existence and content of the

1 personal protection order.

2 (e) If the respondent is identified in the pleadings as a
3 department of corrections employee, notify the state department
4 of corrections about the existence of the personal protection
5 order.

6 (f) If the respondent is identified in the pleadings as being
7 a person who may have access to information concerning the
8 petitioner or a child of the petitioner or respondent and that
9 information is contained in friend of the court records, notify
10 the friend of the court for the county in which the information
11 is located about the existence of the personal protection order.

12 (13) The clerk of the court shall inform the petitioner that
13 he or she may take a true copy of the personal protection order
14 to the law enforcement agency designated by the court in
15 subsection (7) to be immediately entered into the L.E.I.N.

16 (14) The law enforcement agency that receives a true copy of
17 the personal protection order under subsection (12) or (13) shall
18 immediately, without requiring proof of service, enter the
19 personal protection order into the L.E.I.N.

20 (15) A personal protection order issued under this section
21 shall be served personally or by registered or certified mail,
22 return receipt requested, delivery restricted to the addressee at
23 the last known address or addresses of the individual restrained
24 or enjoined or by any other manner provided in the Michigan court
25 rules. If the individual restrained or enjoined has not been
26 served, a law enforcement officer or clerk of the court who knows
27 that a personal protection order exists may, at any time, serve

1 the individual restrained or enjoined with a true copy of the
2 order or advise the individual restrained or enjoined about the
3 existence of the personal protection order, the specific conduct
4 enjoined, the penalties for violating the order, and where the
5 individual restrained or enjoined may obtain a copy of the
6 order. If the respondent is less than 18 years of age, the
7 parent, guardian, or custodian of that individual shall also be
8 served personally or by registered or certified mail, return
9 receipt requested, delivery restricted to the addressee at the
10 last known address or addresses of the parent, guardian, or
11 custodian of the individual restrained or enjoined. A proof of
12 service or proof of oral notice shall be filed with the clerk of
13 the court issuing the personal protection order. This subsection
14 does not prohibit the immediate effectiveness of a personal
15 protection order or immediate enforcement under subsection (18)
16 or (19).

17 (16) The clerk of the court shall immediately notify the law
18 enforcement agency that received the personal protection order
19 under subsection (12) or (13) if either of the following occurs:

20 (a) The clerk of the court has received proof that the
21 individual restrained or enjoined has been served.

22 (b) The personal protection order is rescinded, modified, or
23 extended by court order.

24 (17) The law enforcement agency that receives information
25 under subsection (16) shall enter the information or cause the
26 information to be entered into the L.E.I.N.

27 (18) Subject to subsection (19), a personal protection order

1 is immediately enforceable anywhere in this state by any law
2 enforcement agency that has received a true copy of the order, is
3 shown a copy of it, or has verified its existence on the
4 L.E.I.N.

5 (19) If the individual restrained or enjoined has not been
6 served, the law enforcement agency or officer responding to a
7 call alleging a violation of a personal protection order shall
8 serve the individual restrained or enjoined with a true copy of
9 the order or advise the individual restrained or enjoined about
10 the existence of the personal protection order, the specific
11 conduct enjoined, the penalties for violating the order, and
12 where the individual restrained or enjoined may obtain a copy of
13 the order. The law enforcement officer shall enforce the
14 personal protection order and immediately enter or cause to be
15 entered into the L.E.I.N. that the individual restrained or
16 enjoined has actual notice of the personal protection order. The
17 law enforcement officer also shall file a proof of service or
18 proof of oral notice with the clerk of the court issuing the
19 personal protection order. If the individual restrained or
20 enjoined has not received notice of the personal protection
21 order, the individual restrained or enjoined shall be given an
22 opportunity to comply with the personal protection order before
23 the law enforcement officer makes a custodial arrest for
24 violation of the personal protection order. Failure to
25 immediately comply with the personal protection order is grounds
26 for an immediate custodial arrest. This subsection does not
27 preclude an arrest under section 15 or 15a of chapter IV of the

1 code of criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a,
2 or a proceeding under section 14 of chapter XIIIA of the probate
3 code of 1939, 1939 PA 288, MCL 712A.14.

4 (20) An individual 17 years of age or more who refuses or
5 fails to comply with a personal protection order issued under
6 this section is subject to the criminal contempt powers of the
7 court and, if found guilty of criminal contempt, shall be
8 imprisoned for not more than 93 days and may be fined not more
9 than \$500.00. An individual less than 17 years of age who
10 refuses or fails to comply with a personal protection order
11 issued under this section is subject to the dispositional
12 alternatives listed in section 18 of chapter XIIIA of the probate
13 code of 1939, 1939 PA 288, MCL 712A.18. The criminal penalty
14 provided for under this section may be imposed in addition to any
15 penalty that may be imposed for any other criminal offense
16 arising from the same conduct.

17 (21) An individual who knowingly and intentionally makes a
18 false statement to the court in support of his or her petition
19 for a personal protection order is subject to the contempt powers
20 of the court.

21 (22) A personal protection order issued under this section is
22 also enforceable under chapter XIIIA of the probate code of 1939,
23 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV
24 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

25 (23) A personal protection order issued under this section
26 may enjoin or restrain an individual from purchasing or
27 possessing a firearm.

1 (24) A personal protection order issued under this section is
2 also enforceable under chapter 17.

3 (25) A court shall not issue a personal protection order that
4 restrains or enjoins conduct described in subsection (1) if any
5 of the following apply:

6 (a) The respondent is the unemancipated minor child of the
7 petitioner.

8 (b) The petitioner is the unemancipated minor child of the
9 respondent.

10 (c) The respondent is a minor child less than 10 years of
11 age.

12 (26) If the respondent is less than 18 years of age, issuance
13 of a personal protection order under this section is subject to
14 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
15 to 712A.32.

16 (27) A personal protection order that is issued before March
17 1, 1999 is not invalid on the ground that it does not comply with
18 1 or more of the requirements added by 1998 PA 476.

19 (28) A court shall not issue a personal protection order
20 under this section if the petitioner is a prisoner. If a
21 personal protection order is issued in violation of this
22 subsection, a court shall rescind the personal protection order
23 upon notification and verification that the petitioner is a
24 prisoner.

25 (29) As used in this section:

26 (a) "Federal law enforcement officer" means an officer or
27 agent employed by a law enforcement agency of the United States

1 government whose primary responsibility is the enforcement of
2 laws of the United States.

3 (b) "L.E.I.N." means the law enforcement information network
4 administered under the L.E.I.N. policy council act of 1974, 1974
5 PA 163, MCL 28.211 to 28.216.

6 (c) "Personal protection order" means an injunctive order
7 issued by circuit court or the family division of circuit court
8 restraining or enjoining conduct prohibited under section 411h or
9 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
10 750.411i.

11 (d) "Prisoner" means a person subject to incarceration,
12 detention, or admission to a prison who is accused of, convicted
13 of, sentenced for, or adjudicated delinquent for violations of
14 federal, state, or local law or the terms and conditions of
15 parole, probation, pretrial release, or a diversionary program.

16 Enacting section 1. This amendatory act takes effect
17 January 1, 2005.

18 Enacting section 2. This amendatory act does not take
19 effect unless Senate Bill No. 891

20 of the 92nd Legislature is enacted into
21 law.