

# SENATE BILL No. 374

April 13, 2005, Introduced by Senators PATTERSON, McMANUS, CROPSEY, BASHAM, GOSCHKA, GILBERT, BIRKHOLZ, JELINEK, TOY, SANBORN, ALLEN, BISHOP and STAMAS and referred to the Committee on Government Operations.

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 protection  
7       order to restrain or enjoin a spouse, a former spouse, an

1 individual with whom he or she has had a child in common, an  
2 individual with whom he or she has or has had a dating  
3 relationship, or an individual residing or having resided in the  
4 same household as the petitioner from doing 1 or more of the  
5 following:

6 (a) Entering onto premises.

7 (b) Assaulting, attacking, beating, molesting, or wounding a  
8 named individual.

9 (c) Threatening to kill or physically injure a named  
10 individual.

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

15 (e) Purchasing or possessing a firearm.

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

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

23 (h) Having access to information in records concerning a minor  
24 child of both petitioner and respondent that will inform respondent  
25 about the address or telephone number of petitioner and  
26 petitioner's minor child or about petitioner's employment 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, MCL  
10 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the  
11 Michigan department of state police, a local corrections officer,  
12 department of corrections employee, or a federal law enforcement  
13 officer who carries a firearm during the normal course of his or  
14 her employment, the petitioner shall notify the court of the  
15 respondent's occupation prior to the issuance of the personal  
16 protection order. This subsection does not apply to a petitioner  
17 who does not know the respondent's occupation.

18 (3) A petitioner may omit his or her address of residence from  
19 documents filed with the court under this section. If a petitioner  
20 omits his or her address of residence, the petitioner shall provide  
21 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 cause  
24 to believe that the individual to be restrained or enjoined may  
25 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 support  
2 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 acts  
5 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 all  
8 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 parent,  
12 guardian, or custodian of the minor to be restrained or enjoined  
13 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 order,  
23 it shall state immediately in writing the specific reasons it  
24 refused to issue a personal protection order. If a hearing is held,  
25 the court shall also immediately state on the record the specific  
26 reasons it refuses to issue a personal protection order.

27 (8) A personal protection order shall not be made mutual.

1 Correlative separate personal protection orders are prohibited  
2 unless both parties have properly petitioned the court ~~pursuant to~~  
3 **UNDER** subsection (1).

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

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

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

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

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

25 (ii) If the respondent is less than 17 years of age, immediate  
26 apprehension or being taken into custody, and subject to the  
27 dispositional alternatives listed in section 18 of chapter XIIA of

1 the probate code of 1939, 1939 PA 288, MCL 712A.18.

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

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

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

13 (d) An expiration date stated clearly on the face of the  
14 order.

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

17 (f) The law enforcement agency designated by the court to  
18 enter the personal protection order into the law enforcement  
19 information network.

20 (g) For ex parte orders, a statement that the individual  
21 restrained or enjoined may file a motion to modify or rescind the  
22 personal protection order and request a hearing within 14 days  
23 after the individual restrained or enjoined has been served or has  
24 received actual notice of the order and that motion forms and  
25 filing instructions are available from the clerk of the court.

26 (12) An ex parte personal protection order shall be issued and  
27 effective without written or oral notice to the individual

1 restrained or enjoined or his or her attorney if it clearly appears  
2 from specific facts shown by verified complaint, written motion, or  
3 affidavit that immediate and irreparable injury, loss, or damage  
4 will result from the delay required to effectuate notice or that  
5 the notice will itself precipitate adverse action before a personal  
6 protection order can be issued.

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

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

25 (15) The clerk of the court that issues a personal protection  
26 order shall do all of the following immediately upon issuance and  
27 without requiring a proof of service on the individual restrained

1 or enjoined:

2 (a) File a true copy of the personal protection order with the  
3 law enforcement agency designated by the court in the personal  
4 protection order.

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

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

11 (d) If the personal protection order prohibits respondent from  
12 purchasing or possessing a firearm, notify the ~~concealed weapon~~  
13 ~~licensing board in respondent's county of residence~~ **SECRETARY OF**  
14 **STATE** about the existence and contents of the personal protection  
15 order.

16 (e) If the respondent is identified in the pleadings as a  
17 department of corrections employee, notify the state department of  
18 corrections about the existence of the personal protection order.

19 (f) If the respondent is identified in the pleadings as being  
20 a person who may have access to information concerning the  
21 petitioner or a child of the petitioner or respondent and that  
22 information is contained in friend of the court records, notify the  
23 friend of the court for the county in which the information is  
24 located about the existence of the personal protection order.

25 (16) The clerk of the court shall inform the petitioner that  
26 he or she may take a true copy of the personal protection order to  
27 the law enforcement agency designated by the court in subsection



1 (10) to be immediately entered into the law enforcement information  
2 network.

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

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

1 filed with the clerk of the court issuing the personal protection  
2 order. This subsection does not prohibit the immediate  
3 effectiveness of a personal protection order or its immediate  
4 enforcement under subsections (21) and (22).

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

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

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

12 (20) The law enforcement agency that receives information  
13 under subsection (19) shall enter the information or cause the  
14 information to be entered into the law enforcement information  
15 network as provided by the L.E.I.N. policy council act of 1974,  
16 1974 PA 163, MCL 28.211 to 28.216.

17 (21) Subject to subsection (22), a personal protection order  
18 is immediately enforceable anywhere in this state by any law  
19 enforcement agency that has received a true copy of the order, is  
20 shown a copy of it, or has verified its existence on the law  
21 enforcement information network as provided by the L.E.I.N. policy  
22 council act of 1974, 1974 PA 163, MCL 28.211 to 28.216.

23 (22) If the individual restrained or enjoined has not been  
24 served, the law enforcement agency or officer responding to a call  
25 alleging a violation of a personal protection order shall serve the  
26 individual restrained or enjoined with a true copy of the order or  
27 advise the individual restrained or enjoined about the existence of

1 the personal protection order, the specific conduct enjoined, the  
2 penalties for violating the order, and where the individual  
3 restrained or enjoined may obtain a copy of the order. The law  
4 enforcement officer shall enforce the personal protection order and  
5 immediately enter or cause to be entered into the law enforcement  
6 information network that the individual restrained or enjoined has  
7 actual notice of the personal protection order. The law enforcement  
8 officer also shall file a proof of service or proof of oral notice  
9 with the clerk of the court issuing the personal protection order.  
10 If the individual restrained or enjoined has not received notice of  
11 the personal protection order, the individual restrained or  
12 enjoined shall be given an opportunity to comply with the personal  
13 protection order before the law enforcement officer makes a  
14 custodial arrest for violation of the personal protection order.  
15 The failure to immediately comply with the personal protection  
16 order ~~shall be~~ **IS** grounds for an immediate custodial arrest. This  
17 subsection does not preclude an arrest under section 15 or 15a of  
18 chapter IV of the code of criminal procedure, 1927 PA 175, MCL  
19 764.15 and 764.15a, or a proceeding under section 14 of chapter  
20 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

21 (23) An individual who is 17 years of age or more and who  
22 refuses or fails to comply with a personal protection order under  
23 this section is subject to the criminal contempt powers of the  
24 court and, if found guilty, shall be imprisoned for not more than  
25 93 days and may be fined not more than \$500.00. An individual who  
26 is less than 17 years of age and who refuses or fails to comply  
27 with a personal protection order issued under this section is

1 subject to the dispositional alternatives listed in section 18 of  
2 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.  
3 The criminal penalty provided for under this section may be imposed  
4 in addition to a penalty that may be imposed for another criminal  
5 offense arising from the same conduct.

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

10 (25) A personal protection order issued under this section is  
11 also enforceable under chapter XIIIA of the probate code of 1939,  
12 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV  
13 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

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

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

19 (a) The respondent is the unemancipated minor child of the  
20 petitioner.

21 (b) The petitioner is the unemancipated minor child of the  
22 respondent.

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

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

1           (29) A personal protection order that is issued prior to ~~the~~  
2 ~~effective date of the amendatory act that added this subsection~~  
3 **MARCH 1, 1999** is not invalid on the ground that it does not comply  
4 with 1 or more of the requirements added by ~~this amendatory act~~  
5 **1998 PA 477**.

6           (30) As used in this section:

7           (a) "Dating relationship" means frequent, intimate  
8 associations primarily characterized by the expectation of  
9 affectional involvement. This term does not include a casual  
10 relationship or an ordinary fraternization between 2 individuals in  
11 a business or social context.

12           (b) "Federal law enforcement officer" means an officer or  
13 agent employed by a law enforcement agency of the United States  
14 government whose primary responsibility is the enforcement of laws  
15 of the United States.

16           (c) "Personal protection order" means an injunctive order  
17 issued by the circuit court or the family division of circuit court  
18 restraining or enjoining activity and individuals listed in  
19 subsection (1).

20           Sec. 2950a. (1) Except as provided in subsections (25) and  
21 (26), by commencing an independent action to obtain relief under  
22 this section, by joining a claim to an action, or by filing a  
23 motion in an action in which the petitioner and the individual to  
24 be restrained or enjoined are parties, an individual may petition  
25 the family division of circuit court to enter a personal protection  
26 order to restrain or enjoin an individual from engaging in conduct  
27 that is prohibited under section 411h or 411i of the Michigan penal

1 code, 1931 PA 328, MCL 750.411h and 750.411i. Relief shall not be  
2 granted unless the petition alleges facts that constitute stalking  
3 as defined in section 411h or 411i of the Michigan penal code, 1931  
4 PA 328, MCL 750.411h and 750.411i. Relief may be sought and granted  
5 under this section whether or not the individual to be restrained  
6 or enjoined has been charged or convicted under section 411h or  
7 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
8 750.411i, for the alleged violation.

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

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

25 (4) If a court refuses to grant a personal protection order,  
26 the court shall immediately state in writing the specific reasons  
27 for issuing or refusing to issue a personal protection order. If a

1 hearing is held, the court shall also immediately state on the  
2 record the specific reasons for issuing or refusing to issue a  
3 personal protection order.

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

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

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

16 (8) A personal protection order issued under this section  
17 shall include all of the following, and to the extent practicable  
18 contained in a single form:

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

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

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

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

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

15          (c) A statement listing each type of conduct 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 L.E.I.N.

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



1 of the court.

2 (9) An ex parte personal protection order shall not be issued  
3 and effective without written or oral notice to the individual  
4 enjoined or his or her attorney unless it clearly appears from  
5 specific facts shown by verified complaint, written motion, or  
6 affidavit that immediate and irreparable injury, loss, or damage  
7 will result from the delay required to effectuate notice or that  
8 the notice will precipitate adverse action before a personal  
9 protection order can be issued.

10 (10) A personal protection order issued under subsection (9)  
11 is valid for not less than 182 days. The individual restrained or  
12 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 shown  
18 for filing the motion after 14 days have elapsed.

19 (11) 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 a  
23 person described in subsection (2) and the personal protection  
24 order prohibits him or her from purchasing or possessing a firearm,  
25 the court shall schedule a hearing on the motion to modify or  
26 rescind the ex parte personal protection order within 5 days after  
27 the filing of the motion to modify or rescind.

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

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

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

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

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

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

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

27          (13) The clerk of the court shall inform the petitioner that

1 he or she may take a true copy of the personal protection order to  
2 the law enforcement agency designated by the court in subsection  
3 (7) to be immediately entered into the L.E.I.N.

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

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

1 order. This subsection does not prohibit the immediate  
2 effectiveness of a personal protection order or immediate  
3 enforcement under subsection (18) or (19).

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

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

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

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

14 (18) Subject to subsection (19), a personal protection order  
15 is immediately enforceable anywhere in this state by any law  
16 enforcement agency that has received a true copy of the order, is  
17 shown a copy of it, or has verified its existence on the L.E.I.N.

18 (19) If the individual restrained or enjoined has not been  
19 served, the law enforcement agency or officer responding to a call  
20 alleging a violation of a personal protection order shall serve the  
21 individual restrained or enjoined with a true copy of the order or  
22 advise the individual restrained or enjoined about the existence of  
23 the personal protection order, the specific conduct enjoined, the  
24 penalties for violating the order, and where the individual  
25 restrained or enjoined may obtain a copy of the order. The law  
26 enforcement officer shall enforce the personal protection order and  
27 immediately enter or cause to be entered into the L.E.I.N. that the

1 individual restrained or enjoined has actual notice of the personal  
2 protection order. The law enforcement officer also shall file a  
3 proof of service or proof of oral notice with the clerk of the  
4 court issuing the personal protection order. If the individual  
5 restrained or enjoined has not received notice of the personal  
6 protection order, the individual restrained or enjoined shall be  
7 given an opportunity to comply with the personal protection order  
8 before the law enforcement officer makes a custodial arrest for  
9 violation of the personal protection order. Failure to immediately  
10 comply with the personal protection order is grounds for an  
11 immediate custodial arrest. This subsection does not preclude an  
12 arrest under section 15 or 15a of chapter IV of the code of  
13 criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a  
14 proceeding under section 14 of chapter XIIIA of the probate code of  
15 1939, 1939 PA 288, MCL 712A.14.

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

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

5           (22) A personal protection order issued under this section is  
6 also enforceable under chapter XIIIA of the probate code of 1939,  
7 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV  
8 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

9           (23) A personal protection order issued under this section may  
10 enjoin or restrain an individual from purchasing or possessing a  
11 firearm.

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

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

17           (a) The respondent is the unemancipated minor child of the  
18 petitioner.

19           (b) The petitioner is the unemancipated minor child of the  
20 respondent.

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

22           (26) If the respondent is less than 18 years of age, issuance  
23 of a personal protection order under this section is subject to  
24 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1  
25 to 712A.32.

26           (27) A personal protection order that is issued before March  
27 1, 1999 is not invalid on the ground that it does not comply with 1

1 or more of the requirements added by 1998 PA 476.

2 (28) A court shall not issue a personal protection order under  
3 this section if the petitioner is a prisoner. If a personal  
4 protection order is issued in violation of this subsection, a court  
5 shall rescind the personal protection order upon notification and  
6 verification that the petitioner is a prisoner.

7 (29) As used in this section:

8 (a) "Federal law enforcement officer" means an officer or  
9 agent employed by a law enforcement agency of the United States  
10 government whose primary responsibility is the enforcement of laws  
11 of the United States.

12 (b) "L.E.I.N." means the law enforcement information network  
13 administered under the L.E.I.N. policy council act of 1974, 1974 PA  
14 163, MCL 28.211 to 28.216.

15 (c) "Personal protection order" means an injunctive order  
16 issued by circuit court or the family division of circuit court  
17 restraining or enjoining conduct prohibited under section 411h or  
18 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
19 750.411i.

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

25 Enacting section 1. This amendatory act takes effect January  
26 1, 2006.

27 Enacting section 2. This amendatory act does not take effect

1 unless Senate Bill No. 375

2 of the 93rd Legislature is enacted into law.