

# SENATE BILL No. 847

November 10, 2011, Introduced by Senators SCHUITMAKER, BRANDENBURG, JONES, HANSEN, PROOS and WARREN and referred to the Committee on Judiciary.

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, a  
2 person who assaults or assaults and batters an individual, if no  
3 other punishment is prescribed by law, is guilty of a misdemeanor  
4 punishable by imprisonment for not more than 93 days or a fine of  
5 not more than \$500.00, or both.

6       (2) Except as provided in subsection (3) or (4), an individual  
7 who assaults or assaults and batters his or her spouse or former  
8 spouse, an individual with whom he or she has or has had a dating  
9 relationship, an individual with whom he or she has had a child in

1 common, or a resident or former resident of his or her household,  
2 is guilty of a misdemeanor punishable by imprisonment for not more  
3 than 93 days or a fine of not more than \$500.00, or both.

4 (3) An individual who commits an assault or an assault and  
5 battery in violation of subsection (2), and who has previously been  
6 convicted of assaulting or assaulting and battering his or her  
7 spouse or former spouse, an individual with whom he or she has or  
8 has had a dating relationship, an individual with whom he or she  
9 has had a child in common, or a resident or former resident of his  
10 or her household, under any of the following, may be punished by  
11 imprisonment for not more than 1 year or a fine of not more than  
12 \$1,000.00, or both:

13 (a) This section or an ordinance of a political subdivision of  
14 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 his  
22 or her spouse or former spouse, an individual with whom he or she  
23 has or has had a dating relationship, an individual with whom he or  
24 she has had a child in common, or a resident or former resident of  
25 his or her household, under any of the following, is guilty of a  
26 felony punishable by imprisonment for not more than ~~2-5~~ years or a  
27 fine of not more than ~~\$2,500.00~~ **\$5,000.00**, or both:

1 (a) This section or an ordinance of a political subdivision of  
2 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  
8 necessary 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 include  
13 a casual relationship or an ordinary fraternization between 2  
14 individuals in a business or social context.