

SUBSTITUTE FOR
HOUSE BILL NO. 4479

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 81 (MCL 750.81), as amended by 2012 PA 366.

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), **OR (5)**, an
7 individual who assaults or assaults and batters his or her spouse
8 or former spouse, an individual with whom he or she has or has had
9 a dating relationship, an individual with whom he or she has had a
10 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 ASSAULTS OR ASSAULTS AND BATTERS AN INDIVIDUAL WHO IS PREGNANT AND WHO KNOWS THE INDIVIDUAL IS PREGNANT 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.

(4) ~~(3)~~—An individual who commits an assault or an assault and battery in violation of subsection (2) **OR (3)**, 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 or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household,~~ **AN INDIVIDUAL DESCRIBED IN EITHER SUBSECTION (2) OR SUBSECTION (3)** under any of the following, ~~may be punished~~ **IS GUILTY OF A MISDEMEANOR PUNISHABLE** 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.

(5) ~~(4)~~—An individual who commits an assault or an assault and battery in violation of subsection (2) **OR (3)**, and who has 2 or more previous convictions for assaulting or assaulting and battering ~~his or her spouse or former spouse, an individual with~~

1 ~~whom he or she has or has had a dating relationship, an individual~~
2 ~~with whom he or she has had a child in common, or a resident or~~
3 ~~former resident of his or her household,~~ **AN INDIVIDUAL DESCRIBED IN**
4 **EITHER SUBSECTION (2) OR SUBSECTION (3)** under any of the following,
5 is guilty of a felony punishable by imprisonment for not more than
6 5 years or a fine of not more than \$5,000.00, or both:

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

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

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

13 (6) ~~(5)~~ This section does not apply to an individual using
14 necessary reasonable physical force in compliance with section 1312
15 of the revised school code, 1976 PA 451, MCL 380.1312.

16 (7) ~~(6)~~ As used in this section, "dating relationship" means
17 frequent, intimate associations primarily characterized by the
18 expectation of affectional involvement. This term does not include
19 a casual relationship or an ordinary fraternization between 2
20 individuals in a business or social context.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.