

HOUSE BILL No. 5250

November 9, 2017, Introduced by Reps. Geiss, Pagan, Hoadley, Green, Yanez, Wittenberg, Faris, Guerra, Gay-Dagnogo, Brinks, Durhal, Rabhi, Clemente, Hertel, Greig, Santana and Garrett 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),
as amended by 2016 PA 296.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2950. (1) Except as **OTHERWISE** provided in subsections
2 (27) and (28), by commencing an independent action to obtain relief
3 under 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
8 individual with whom he or she has had a child in common, an

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

5 (a) Entering onto premises.

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

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

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

14 (e) ~~Purchasing~~ **IF THE RESPONDENT IS A PERSON DESCRIBED IN**
15 **SUBSECTION (2), 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 of the following with the intent to cause the
4 petitioner mental distress or to exert control over the petitioner
5 with respect to an animal in which the petitioner has an ownership
6 interest:

7 (i) Injuring, killing, torturing, neglecting, or threatening
8 to injure, kill, torture, or neglect the animal. A restraining
9 order that enjoins conduct under this subparagraph does not
10 prohibit the lawful killing or other use of the animal as described
11 in section 50(11) of the Michigan penal code, 1931 PA 328, MCL
12 750.50.

13 (ii) Removing the animal from the petitioner's possession.

14 (iii) Retaining or obtaining possession of the animal.

15 (k) Any other specific act or conduct that imposes upon or
16 interferes with personal liberty or that causes a reasonable
17 apprehension of violence.

18 (2) If the respondent is a person who is issued a license to
19 carry a concealed weapon and is required to carry a weapon as a
20 condition of his or her employment, a police officer licensed or
21 certified by the Michigan commission on law enforcement standards
22 act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff
23 or a member of the Michigan department of state police, a local
24 corrections officer, department of corrections employee, or a
25 federal law enforcement officer who carries a firearm during the
26 normal course of his or her employment, the petitioner shall notify
27 the court of the respondent's occupation ~~prior to the~~ **BEFORE**

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

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

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

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

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

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

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

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

27 (c) The moving party or the parent, guardian, or custodian of

1 a minor petitioner has no property interest in the premises.

2 (6) A court shall not refuse to issue a personal protection
3 order solely ~~due to~~ **BECAUSE OF** the absence of any of the following:

4 (a) A police report.

5 (b) A medical report.

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

7 (d) Physical signs of abuse or violence.

8 (7) If the court refuses to grant a personal protection order,
9 it shall state immediately in writing the specific reasons it
10 refused to issue a personal protection order. If a hearing is held,
11 the court shall also immediately state on the record the specific
12 reasons it refuses to issue a personal protection order.

13 (8) A **COURT SHALL NOT ISSUE A MUTUAL** personal protection
14 order. ~~may not be made mutual.~~ Correlative separate personal
15 protection orders are prohibited unless both parties have properly
16 petitioned the court under subsection (1).

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

22 (10) The **ISSUING** court shall designate ~~the~~ **A** law enforcement
23 agency that is responsible for entering ~~the~~ **A** personal protection
24 order into the law enforcement information network as provided by
25 the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

26 (11) A personal protection order must include all of the
27 following, ~~and to the extent practicable the following shall be~~

1 ~~contained~~ in a single form:

2 (a) A statement that the personal protection order has been
3 entered to restrain or enjoin conduct listed in the order and that
4 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,~~ **OLDER,**
7 immediate arrest and the civil and criminal contempt powers of the
8 court, ~~and, that if he or she is found guilty of criminal contempt,~~
9 ~~he or she shall be imprisoned~~ **IMPRISONMENT** for not more than 93
10 days and ~~may be fined~~ **A FINE OF** not more than \$500.00.

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

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

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

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

26 **(D) A STATEMENT THAT, UNLESS THE INDIVIDUAL RESTRAINED OR**
27 **ENJOINED IS A PERSON DESCRIBED IN SUBSECTION (2), THE INDIVIDUAL**

1 **RESTRAINED OR ENJOINED MUST RELINQUISH OR SELL ALL FIREARMS THAT**
2 **THE INDIVIDUAL OWNS OR POSSESSES AS REQUIRED BY SUBSECTION (23) .**

3 **(E)** ~~(d)~~—An expiration date stated clearly on the face of the
4 order.

5 **(F)** ~~(e)~~—A statement that the personal protection order is
6 enforceable anywhere in ~~Michigan~~ **THIS STATE** by any law enforcement
7 agency.

8 **(G)** ~~(f)~~—The **NAME OF THE** law enforcement agency designated by
9 the court to enter the personal protection order into the law
10 enforcement information network.

11 **(H)** ~~(g)~~—For ex parte orders, a statement that the individual
12 restrained or enjoined may file a motion to modify or rescind the
13 personal protection order and request a hearing within 14 days
14 after the individual restrained or enjoined has been served or has
15 received actual notice of the order and that motion forms and
16 filing instructions are available from the clerk of the court.

17 (12) A court shall issue an ex parte personal protection order
18 without written or oral notice to the individual restrained or
19 enjoined or his or her attorney if it clearly appears from specific
20 facts shown by **A** verified complaint, written motion, or affidavit
21 that immediate and irreparable injury, loss, or damage will result
22 from the delay required to effectuate notice or that the notice
23 will itself precipitate adverse action before a personal protection
24 order can be issued.

25 (13) A personal protection order issued under subsection (12)
26 is valid for not less than 182 days. The individual restrained or
27 enjoined may file a motion to modify or rescind the personal

1 protection order and request a hearing under the Michigan court
2 rules. ~~The~~ **A** motion to modify or rescind the personal protection
3 order must be filed within 14 days after the order is served or
4 after the individual restrained or enjoined has received actual
5 notice of the personal protection order unless good cause is shown
6 for filing the motion after the 14 days have elapsed.

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

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

20 (a) File a true copy of the personal protection order with the
21 law enforcement agency designated by the court in the personal
22 protection order.

23 (b) Provide the petitioner with 2 or more true copies of the
24 personal protection order.

25 (c) If respondent is identified in the pleadings as a law
26 enforcement officer, notify the officer's employing law enforcement
27 agency, if known, about the existence of the personal protection

1 order.

2 (d) ~~If the personal protection order prohibits respondent from~~
3 ~~purchasing or possessing a firearm, notify~~ **NOTIFY** the concealed
4 ~~weapon licensing board in~~ **COUNTY CLERK OF** respondent's county of
5 residence about the existence and contents of the personal
6 protection order.

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

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

16 (16) The clerk of the court shall inform the petitioner that
17 he or she may take a true copy of the personal protection order to
18 the law enforcement agency designated by the court under subsection
19 (10) to be immediately entered into the law enforcement information
20 network.

21 (17) The law enforcement agency that receives a true copy of
22 ~~the~~ **A** personal protection order under subsection (15) or (16) shall
23 immediately and without requiring proof of service enter the
24 personal protection order into the law enforcement information
25 network as provided by the C.J.I.S. policy council act, 1974 PA
26 163, MCL 28.211 to 28.215.

27 (18) A personal protection order issued under this section

1 must be served personally or by registered or certified mail,
2 return receipt requested, delivery restricted to the addressee at
3 the last known address or addresses of the individual restrained or
4 enjoined or by any other manner ~~provided in~~ **ALLOWED BY** the Michigan
5 court rules. If the individual restrained or enjoined has not been
6 served, a law enforcement officer or clerk of the court who knows
7 that a personal protection order exists may, at any time, serve the
8 individual restrained or enjoined with a true copy of the order or
9 advise the individual restrained or enjoined ~~about~~ **OF** the existence
10 of the personal protection order, the specific conduct enjoined,
11 the penalties for violating the order, and where the individual
12 restrained or enjoined may obtain a copy of the order. If the
13 respondent is less than 18 years of age, the parent, guardian, or
14 custodian of ~~that~~ **THE** individual must also be served personally or
15 by registered or certified mail, return receipt requested, delivery
16 restricted to the addressee at the last known address or addresses
17 of the parent, guardian, or custodian. ~~of the individual restrained~~
18 ~~or enjoined.~~ A proof of service or proof of oral notice must be
19 filed with the clerk of the court issuing the personal protection
20 order. This subsection does not prohibit the immediate
21 effectiveness of a personal protection order or its immediate
22 enforcement under subsections (21) and (22).

23 (19) The clerk of the court **THAT ISSUED THE PERSONAL**
24 **PROTECTION ORDER** shall immediately notify the law enforcement
25 agency that received the personal protection order under subsection
26 (15) or (16) if either of the following occurs:

27 (a) The clerk of the court ~~has received~~ **RECEIVES** proof that

1 the individual restrained or enjoined has been served.

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

4 (20) The law enforcement agency that receives information
5 under subsection (19) shall enter the information or cause the
6 information to be entered into the law enforcement information
7 network as provided by the C.J.I.S. policy council act, 1974 PA
8 163, MCL 28.211 to 28.215.

9 (21) Subject to subsection (22), a personal protection order
10 is immediately enforceable anywhere in this state by any law
11 enforcement agency that has received a true copy of the order, is
12 shown a copy of it, or has verified its existence on the law
13 enforcement information network as provided by the C.J.I.S. policy
14 council act, 1974 PA 163, MCL 28.211 to 28.215.

15 (22) If the individual restrained or enjoined has not been
16 served, ~~the~~**A** law enforcement agency or officer responding to a
17 call alleging a violation of a personal protection order shall
18 serve the individual restrained or enjoined with a true copy of the
19 order or advise the individual restrained or enjoined ~~about~~**OF** the
20 existence of the personal protection order, the specific conduct
21 enjoined, the penalties for violating the order, and where the
22 individual restrained or enjoined may obtain a copy of the order.
23 The law enforcement officer shall enforce the personal protection
24 order and immediately enter or cause to be entered into the law
25 enforcement information network that the individual restrained or
26 enjoined has actual notice of the personal protection order. The
27 law enforcement officer also shall file a proof of service or proof

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

13 **(23) AN INDIVIDUAL RESTRAINED OR ENJOINED UNDER A PERSONAL**
 14 **PROTECTION ORDER, OTHER THAN AN INDIVIDUAL DESCRIBED IN SUBSECTION**
 15 **(2), SHALL DO ALL OF THE FOLLOWING, AS APPLICABLE:**

16 **(A) IF REQUESTED TO DO SO BY A LAW ENFORCEMENT OFFICER,**
 17 **IMMEDIATELY RELINQUISH TO THE OFFICER ALL FIREARMS OWNED OR**
 18 **POSSESSED BY THE INDIVIDUAL.**

19 **(B) IF A LAW ENFORCEMENT OFFICER DOES NOT MAKE A REQUEST AS**
 20 **DESCRIBED IN SUBDIVISION (A), WITHIN 24 HOURS AFTER BEING SERVED**
 21 **WITH THE PERSONAL PROTECTION ORDER, DO 1 OF THE FOLLOWING WITH**
 22 **RESPECT TO ALL FIREARMS OWNED OR POSSESSED BY THE INDIVIDUAL:**

23 **(i) RELINQUISH THE FIREARMS TO A LAW ENFORCEMENT AGENCY.**

24 **(ii) SELL THE FIREARMS TO A LICENSED FIREARMS DEALER.**

25 **(24) ~~(23)~~An individual who is 17 years of age or more-OLDER**
 26 **and who refuses or fails to comply with a personal protection order**
 27 **under this section is subject to the criminal contempt powers of**

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

10 **(25)** ~~(24)~~ An individual who knowingly and intentionally makes
 11 a false statement to the court in support of his or her petition
 12 for a personal protection order is subject to the contempt powers
 13 of the court.

14 **(26)** ~~(25)~~ A personal protection order issued under this
 15 section is also enforceable under ~~chapter XIIA of the probate code~~
 16 ~~of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of~~
 17 ~~chapter IV of the code of criminal procedure, 1927 PA 175, MCL~~
 18 ~~764.15b, AND CHAPTER 17.~~

19 ~~(26) A personal protection order issued under this section is~~
 20 ~~also enforceable under chapter 17.~~

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

24 (a) The respondent is the unemancipated minor child of the
 25 petitioner.

26 (b) The petitioner is the unemancipated minor child of the
 27 respondent.

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

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

6 (29) A personal protection order that is issued before March
7 1, 1999 is not invalid on the ground that it does not comply with 1
8 or more of the requirements added by 1998 PA 477.

9 (30) For purposes of subsection (1)(j), a petitioner has an
10 ownership interest in an animal if 1 or more of the following are
11 applicable:

12 (a) The petitioner has a right of property in the animal.

13 (b) The petitioner keeps or harbors the animal.

14 (c) The animal is in the petitioner's care.

15 (d) The petitioner permits the animal to remain on or about
16 premises occupied by the petitioner.

17 (31) As used in this section:

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

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

27 (c) "Neglect" means that term as defined in section 50 of the

1 Michigan penal code, 1931 PA 328, MCL 750.50.

2 (d) "Personal protection order" means an injunctive order
3 issued by ~~the circuit court or the~~ family division of circuit court
4 restraining or enjoining activity and individuals listed in
5 subsection (1).

6 Sec. 2950a. (1) Except as provided in subsections (28), (29),
7 and (31), by commencing an independent action to obtain relief
8 under this section, by joining a claim to an action, or by filing a
9 motion in an action in which the petitioner and the individual to
10 be restrained or enjoined are parties, an individual may petition
11 the family division of circuit court to enter a personal protection
12 order to restrain or enjoin an individual from engaging in conduct
13 that is prohibited under section 411h, 411i, or 411s of the
14 Michigan penal code, 1931 PA 328, MCL 750.411h, 750.411i, and
15 750.411s. ~~Relief~~ **A COURT SHALL NOT GRANT RELIEF** under this
16 subsection ~~shall not be granted~~ unless the petition alleges facts
17 that constitute stalking as defined in section 411h or 411i, or
18 conduct that is prohibited under section 411s, of the Michigan
19 penal code, 1931 PA 328, MCL 750.411h, 750.411i, and 750.411s.
20 Relief may be sought and granted under this subsection whether or
21 not the individual to be restrained or enjoined has been charged or
22 convicted under section 411h, 411i, or 411s of the Michigan penal
23 code, 1931 PA 328, MCL 750.411h, 750.411i, and 750.411s, for the
24 alleged violation.

25 (2) Except as provided in subsections (28), (29), and (31), by
26 commencing an independent action to obtain relief under this
27 section, by joining a claim to an action, or by filing a motion in

1 an action in which the petitioner and the individual to be
2 restrained or enjoined are parties, an individual may petition the
3 family division of circuit court to enter a personal protection
4 order to restrain or enjoin an individual from engaging in any of
5 the following:

6 (a) One or more of the acts listed in subsection (3), if the
7 respondent has been convicted of a sexual assault of the
8 petitioner, or the respondent has been convicted of furnishing
9 obscene material to the petitioner under section 142 of the
10 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially
11 similar law of the United States, another state, or a foreign
12 country or tribal or military law. ~~Relief~~ **A COURT SHALL GRANT**
13 **RELIEF** under this subdivision ~~shall be granted~~ if the court
14 determines that the respondent has been convicted of a sexual
15 assault of the petitioner or that the respondent was convicted of
16 furnishing obscene material to the petitioner under section 142 of
17 the Michigan penal code, 1931 PA 328, MCL 750.142, or a
18 substantially similar law of the United States, another state, or a
19 foreign country or tribal or military law.

20 (b) One or more of the acts listed in subsection (3), if the
21 petitioner has been subjected to, threatened with, or placed in
22 reasonable apprehension of sexual assault by the individual to be
23 enjoined. ~~Relief~~ **A COURT SHALL NOT GRANT RELIEF** under this
24 subdivision ~~shall not be granted~~ unless the petition alleges facts
25 that demonstrate that the respondent has perpetrated or threatened
26 sexual assault against the petitioner. Evidence that a respondent
27 has furnished obscene material to a minor petitioner ~~constitutes~~ **IS**

1 evidence that the respondent has threatened sexual assault against
2 the petitioner. Relief may be sought and granted under this
3 subdivision regardless of whether the individual to be restrained
4 or enjoined has been charged with or convicted of sexual assault or
5 an offense under section 142 of the Michigan penal code, 1931 PA
6 328, MCL 750.142, or a substantially similar law of the United
7 States, another state, or a foreign country or tribal or military
8 law.

9 (3) The court may restrain or enjoin an individual against
10 whom a protection order is sought under subsection (2) from 1 or
11 more of the following:

12 (a) Entering onto premises.

13 (b) Threatening to sexually assault, kill, or physically
14 injure petitioner or a named individual.

15 (c) ~~Purchasing~~ **IF THE RESPONDENT IS AN INDIVIDUAL DESCRIBED IN**
16 **SUBSECTION (5), PURCHASING** or possessing a firearm.

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

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

24 (f) Following or appearing within the sight of the petitioner.

25 (g) Approaching or confronting the petitioner in a public
26 place or on private property.

27 (h) Appearing at the petitioner's workplace or residence.

1 (i) Entering onto or remaining on property owned, leased, or
2 occupied by the petitioner.

3 (j) Contacting the petitioner by telephone.

4 (k) Sending mail or electronic communications to the
5 petitioner.

6 (l) Placing an object on, or delivering an object to, property
7 owned, leased, or occupied by the petitioner.

8 (m) Engaging in conduct that is prohibited under section 411s
9 of the Michigan penal code, 1931 PA 328, MCL 750.411s.

10 (n) Any other specific act or conduct that imposes upon or
11 interferes with personal liberty or that causes a reasonable
12 apprehension of violence or sexual assault.

13 (4) Section 520j of the Michigan penal code, 1931 PA 328, MCL
14 750.520j, applies in any hearing on a petition for, a motion to
15 modify or terminate, or an alleged violation of a personal
16 protection order requested or issued under subsection (2), except
17 as follows:

18 (a) The written motion and offer of proof ~~shall~~**MUST** be filed
19 at least 24 hours before a hearing on a petition to issue a
20 personal protection order or on an alleged violation of a personal
21 protection order.

22 (b) The written motion and offer of proof ~~shall~~**MUST** be filed
23 at the same time that a motion to modify or terminate a personal
24 protection order is filed.

25 (5) If the respondent to a petition under this section is a
26 ~~person~~**AN INDIVIDUAL** who is issued a license to carry a concealed
27 weapon and is required to carry a weapon as a condition of his or

1 her employment, a police officer licensed or certified by the
2 Michigan commission on law enforcement standards act, 1965 PA 203,
3 MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member of
4 the Michigan department of state police, a local corrections
5 officer, a department of corrections employee, or a federal law
6 enforcement officer who carries a firearm during the normal course
7 of his or her employment, the petitioner shall notify the court of
8 the respondent's occupation before the personal protection order is
9 issued. This subsection does not apply to a petitioner who does not
10 know the respondent's occupation.

11 (6) A petitioner may omit his or her address of residence from
12 documents filed with the court under this section. If a petitioner
13 omits his or her address of residence, the petitioner shall provide
14 the court a mailing address.

15 (7) If a court issues or refuses to issue a personal
16 protection order, the court shall immediately state in writing the
17 specific reasons for issuing or refusing to issue the personal
18 protection order. If a hearing is held, the court shall also
19 immediately state on the record the specific reasons for issuing or
20 refusing to issue a personal protection order.

21 (8) A **COURT SHALL NOT ISSUE A MUTUAL** personal protection
22 order. ~~shall not be made mutual.~~ Correlative separate personal
23 protection orders are prohibited unless both parties have properly
24 petitioned the court under subsection (1) or (2).

25 (9) A personal protection order is effective and immediately
26 enforceable anywhere in this state ~~when~~ **AFTER BEING** signed by a
27 judge. Upon service, a personal protection order also may be

1 enforced by another state, an Indian tribe, or a territory of the
2 United States.

3 (10) The court **THAT ISSUES A PERSONAL PROTECTION ORDER** shall
4 designate ~~the~~**A** law enforcement agency that is responsible for
5 entering the personal protection order into the L.E.I.N.

6 (11) A personal protection order issued under this section
7 ~~shall~~**MUST** include all of the following, to the extent practicable
8 in a single form:

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

13 (i) If the respondent is 17 years of age or older, immediate
14 arrest and the civil and criminal contempt powers of the court. If
15 the respondent is found guilty of criminal contempt, he or she
16 ~~shall~~**MUST** be imprisoned for not more than 93 days and may be fined
17 not more than \$500.00.

18 (ii) If the respondent is less than 17 years of age, immediate
19 apprehension or being taken into custody and the dispositional
20 alternatives listed in section 18 of chapter XIIA of the probate
21 code of 1939, 1939 PA 288, MCL 712A.18.

22 (iii) If the respondent violates the personal protection order
23 in a jurisdiction other than this state, the enforcement procedures
24 and penalties of the state, Indian tribe, or United States
25 territory under whose jurisdiction the violation occurred.

26 (b) A statement that the personal protection order is
27 effective and immediately enforceable anywhere in this state ~~when~~

1 **AFTER BEING** signed by a judge, and that ~~upon~~**ON** service, a personal
 2 protection order also may be enforced by another state, an Indian
 3 tribe, or a territory of the United States.

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

5 **(D) A STATEMENT THAT UNLESS THE INDIVIDUAL RESTRAINED OR**
 6 **ENJOINED IS AN INDIVIDUAL DESCRIBED IN SUBSECTION (5), THE**
 7 **INDIVIDUAL RESTRAINED OR ENJOINED MUST RELINQUISH OR SELL ALL**
 8 **FIREARMS THAT THE INDIVIDUAL OWNS OR POSSESSES AS REQUIRED BY**
 9 **SUBSECTION (23).**

10 **(E)** ~~(d)~~ An expiration date stated clearly on the face of the
 11 order.

12 **(F)** ~~(e)~~ A statement that the personal protection order is
 13 enforceable anywhere in ~~Michigan~~**THIS STATE** by any law enforcement
 14 agency.

15 **(G)** ~~(f)~~ The **NAME OF THE** law enforcement agency designated by
 16 the court to enter the personal protection order into the L.E.I.N.

17 **(H)** ~~(g)~~ For an ex parte order, a statement that the individual
 18 restrained or enjoined may file a motion to modify or rescind the
 19 personal protection order and request a hearing within 14 days
 20 after the individual restrained or enjoined is served or receives
 21 actual notice of the personal protection order and that motion
 22 forms and filing instructions are available from the clerk of the
 23 court.

24 (12) ~~An ex parte~~**A COURT SHALL NOT ISSUE A** personal protection
 25 order ~~shall not be issued and effective~~**EX PARTE** without written or
 26 oral notice to the individual enjoined or his or her attorney
 27 unless it clearly appears from specific facts shown by **A** verified

1 complaint, written motion, or affidavit that immediate and
2 irreparable injury, loss, or damage will result from the delay
3 required to effectuate notice or that the notice will precipitate
4 adverse action before a personal protection order can be issued.

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

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

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

27 (a) File a true copy of the personal protection order with the

1 law enforcement agency designated by the court in the personal
2 protection order.

3 (b) Provide the petitioner with 2 or more true copies of the
4 personal protection order.

5 (c) If the individual restrained or enjoined is identified in
6 the pleadings as a law enforcement officer, notify the officer's
7 employing law enforcement agency of the existence of the personal
8 protection order.

9 ~~(d) If the personal protection order prohibits the individual~~
10 ~~restrained or enjoined from purchasing or possessing a firearm,~~
11 ~~notify~~ **NOTIFY** ~~the concealed weapon licensing board in~~ **COUNTY CLERK**
12 **OF** the individual's county of residence of the existence and
13 content of the personal protection order.

14 (e) If the individual restrained or enjoined is identified in
15 the pleadings as a department of corrections employee, notify the
16 department of corrections of the existence of the personal
17 protection order.

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

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

1 designated by the court under subsection (10) to be immediately
2 entered into the L.E.I.N.

3 (17) The law enforcement agency that receives a true copy of a
4 personal protection order under subsection (15) or (16) shall
5 immediately, without requiring proof of service, enter the personal
6 protection order into the L.E.I.N.

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

1 personal protection order or immediate enforcement under subsection
2 (21) or (22).

3 (19) The clerk of the court that issued a personal protection
4 order shall immediately notify the law enforcement agency that
5 received the personal protection order under subsection (15) or
6 (16) if either or both of the following occur:

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

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

11 (20) The law enforcement agency that receives information
12 under subsection (19) shall enter the information or cause the
13 information to be entered into the L.E.I.N.

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

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

16 **(23) AN INDIVIDUAL RESTRAINED OR ENJOINED UNDER A PERSONAL**
17 **PROTECTION ORDER, OTHER THAN AN INDIVIDUAL DESCRIBED IN SUBSECTION**
18 **(5), SHALL DO ALL OF THE FOLLOWING, AS APPLICABLE:**

19 **(A) IF REQUESTED TO DO SO BY A LAW ENFORCEMENT OFFICER,**
20 **IMMEDIATELY RELINQUISH TO THE OFFICER ALL FIREARMS OWNED OR**
21 **POSSESSED BY THE INDIVIDUAL.**

22 **(B) IF A LAW ENFORCEMENT OFFICER DOES NOT MAKE A REQUEST AS**
23 **DESCRIBED IN SUBDIVISION (A), WITHIN 24 HOURS AFTER BEING SERVED**
24 **WITH THE PERSONAL PROTECTION ORDER, DO 1 OF THE FOLLOWING WITH**
25 **RESPECT TO ALL FIREARMS OWNED OR POSSESSED BY THE INDIVIDUAL:**

26 **(i) RELINQUISH THE FIREARMS TO A LAW ENFORCEMENT AGENCY.**

27 **(ii) SELL THE FIREARMS TO A LICENSED FIREARMS DEALER.**

1 **(24)** ~~(23)~~—An individual 17 years of age or older who refuses
 2 or fails to comply with a personal protection order issued under
 3 this section is subject to the criminal contempt powers of the
 4 court and, if found guilty of criminal contempt, ~~shall~~**MUST** be
 5 imprisoned for not more than 93 days and may be fined not more than
 6 \$500.00. An individual less than 17 years of age who refuses or
 7 fails to comply with a personal protection order issued under this
 8 section is subject to the dispositional alternatives listed in
 9 section 18 of chapter XIIA of the probate code of 1939, 1939 PA
 10 288, MCL 712A.18. The criminal penalty under this section may be
 11 imposed in addition to any penalty that may be imposed for any
 12 other criminal offense arising from the same conduct.

13 **(25)** ~~(24)~~—An individual who knowingly and intentionally makes
 14 a false statement to a court in support of his or her petition for
 15 a personal protection order is subject to the contempt powers of
 16 the court.

17 **(26)** ~~(25)~~—A personal protection order issued under this
 18 section is also enforceable under ~~chapter XIIA of the probate code~~
 19 ~~of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of~~
 20 ~~chapter IV of the code of criminal procedure, 1927 PA 175, MCL~~
 21 ~~764.15b, **AND CHAPTER 17.**~~

22 **(27)** ~~(26)~~—A personal protection order issued under this
 23 section may enjoin or restrain an individual **DESCRIBED IN**
 24 **SUBSECTION (5)** from purchasing or possessing a firearm.

25 ~~—— (27) A personal protection order issued under this section is~~
 26 ~~also enforceable under chapter 17.~~

27 **(28)** A court shall not issue a personal protection order that

1 restrains or enjoins conduct described in subsection (1) or (3) if
2 any of the following apply:

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

5 (b) The petitioner is the unemancipated minor child of the
6 respondent.

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

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

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

15 (31) A court shall not issue a personal protection order under
16 this section if the petitioner is a prisoner. If a personal
17 protection order is issued in violation of this subsection, a court
18 shall rescind the personal protection order upon notification and
19 verification that the petitioner is a prisoner.

20 (32) As used in this section:

21 (a) "Convicted" means 1 of the following:

22 (i) The subject of a judgment of conviction or a probation
23 order entered in a court that has jurisdiction over criminal
24 offenses, including a tribal court or a military court.

25 (ii) Assigned to youthful trainee status under sections 11 to
26 15 of chapter II of the code of criminal procedure, 1927 PA 175,
27 MCL 762.11 to 762.15, if the individual's status of youthful

1 trainee is revoked and an adjudication of guilt is entered.

2 (iii) The subject of an order of disposition entered under
3 section 18 of chapter XIIIA of the probate code of 1939, 1939 PA
4 288, MCL 712A.18, that is open to the general public under section
5 28 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL
6 712A.28.

7 (iv) The subject of an order of disposition or other
8 adjudication in a juvenile matter in another state or country.

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

13 (c) "L.E.I.N." means the law enforcement information network
14 administered under the C.J.I.S. policy council act, 1974 PA 163,
15 MCL 28.211 to 28.215.

16 (d) "Personal protection order" means an injunctive order
17 issued by ~~the circuit court or~~ the family division of circuit court
18 restraining or enjoining conduct prohibited under subsection (1) or
19 (3).

20 (e) "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 (f) "Sexual assault" means an act, attempted act, or
26 conspiracy to engage in an act of criminal conduct as defined in
27 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,

1 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and
2 750.520g, or an offense under a law of the United States, another
3 state, or a foreign country or tribal or military law that is
4 substantially similar to an offense listed in this subdivision.

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