

# SENATE BILL No. 668

November 28, 2017, Introduced by Senators WARREN, HOPGOOD, HERTEL, KNEZEK, ANANICH, BIEDA, JOHNSON, GREGORY, YOUNG and HOOD 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),  
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 XIIIA 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 XIIIA 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 XIIIA 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.