



# HOUSE BILL No. 4376

February 9, 1995, Introduced by Reps. Hill, Middleton, Hammerstrom, Dalman, Gustafson, Sikkema, Brackenridge, Bodem and McManus and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 81a of Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as amended by Act No. 65 of the Public Acts of 1994, being section 750.81a of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 81a of Act No. 328 of the Public Acts of  
2 1931, as amended by Act No. 65 of the Public Acts of 1994, being  
3 section 750.81a of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 81a. (1) A person who assaults an individual without a  
6 weapon and inflicts serious or aggravated injury upon that indi-  
7 vidual without intending to commit murder or to inflict great  
8 bodily harm less than murder is guilty of a misdemeanor

1 punishable by imprisonment for not more than ~~1 year~~ 2 YEARS or  
2 a fine of not more than \$1,000.00, or both.

3 (2) Except as provided in subsection (3), an individual who  
4 assaults his or her spouse or former spouse, an individual with  
5 whom he or she has had a child in common, or a resident or former  
6 resident of his or her household, without a weapon and inflicts  
7 serious or aggravated injury upon that individual without intend-  
8 ing to commit murder or to inflict great bodily harm less than  
9 murder is guilty of a misdemeanor punishable by imprisonment for  
10 not more than ~~1 year~~ 2 YEARS or a fine of not more than  
11 \$1,000.00, or both.

12 (3) An individual who ~~assaults his or her spouse or former~~  
13 ~~spouse, an individual with whom he or she has had a child in~~  
14 ~~common, or a resident or former resident of his or her household,~~  
15 ~~in violation of~~ VIOLATES subsection (1) OR (2) ~~—~~ and who has  
16 ~~1 or more previous convictions for assaulting or assaulting and~~  
17 ~~battering his or her spouse or former spouse, an individual with~~  
18 ~~whom he or she has had a child in common, or a resident or former~~  
19 ~~resident of his or her household, in violation of~~ A PREVIOUS  
20 CONVICTION FOR VIOLATING this section or section 81, 82, 83, 84,  
21 or 86 or a local ordinance substantially corresponding to  
22 section 81 ~~—~~ is guilty of a felony punishable by imprisonment  
23 for not more than ~~2~~ 3 years or a fine of not more than  
24 \$2,500.00, or both.

25 (4) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OR (2) AND WHO  
26 HAS 2 OR MORE PREVIOUS CONVICTIONS FOR VIOLATING THIS SECTION OR  
27 SECTION 81, 82, 83, 84, OR 86 OR A LOCAL ORDINANCE SUBSTANTIALLY

1 CORRESPONDING TO SECTION 81 IS GUILTY OF A FELONY PUNISHABLE BY  
2 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
3 \$5,000.00, OR BOTH.