



HOUSE BILL No. 5268

October 18, 1995, Introduced by Reps. Brewer, Hanley, Goschka and DeMars and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled as amended "The Michigan penal code," as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 411r.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 328 of the Public Acts of 1931, as
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled
3 Laws, is amended by adding section 411r to read as follows:

4 SEC. 411R. (1) A CHILD'S CUSTODIAL PARENT WHO INTENTIONALLY
5 OBSTRUCTS VISITATION WITH THE CHILD BY THE NONCUSTODIAL PARENT AS
6 PROVIDED FOR IN A COURT ISSUED VISITATION ORDER IS GUILTY OF A
7 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
8 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

1 (2) IT IS A COMPLETE DEFENSE TO A PROSECUTION UNDER THIS
2 SECTION IF THE DEFENDANT PROVES BY CLEAR AND CONVINCING EVIDENCE
3 THAT ALLOWING VISITATION WITH THE NONCUSTODIAL PARENT WOULD
4 SUBJECT THE CHILD TO A SUBSTANTIALLY INCREASED RISK OF PHYSICAL
5 OR PSYCHOLOGICAL HARM.

6 (3) AS USED IN THIS SECTION, "CHILD" MEANS AN INDIVIDUAL
7 UNDER 18 YEARS OF AGE WHO IS NOT EMANCIPATED AS PROVIDED IN ACT
8 NO. 293 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS 722.1 TO 722.6
9 OF THE MICHIGAN COMPILED LAWS.