

HOUSE BILL No. 5662

March 11, 1998, Introduced by Reps. Jansen, Nye, Scranton, Baird, Richner, Dobb, Rocca, Cropsey, Curtis, McBryde, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Bodem, Galloway, Middleton, Llewellyn, Oxender, Walberg, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 81 and 81a (MCL 750.81 and 750.81a), section
81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA
65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) A person who assaults or assaults and batters
2 an individual, if no other punishment is prescribed by law, is
3 guilty of a misdemeanor punishable by imprisonment for not more
4 than 90 days or a fine of not more than \$500.00, or both.

5 (2) Except as provided in subsection (3) or (4), an individ-
6 ual who assaults or assaults and batters his or her spouse or
7 former spouse, an individual with whom he or she has had a child
8 in common, or a resident or former resident of ~~his or her~~ THE
9 SAME household —, is guilty of a misdemeanor punishable by

1 imprisonment for not more than 93 days or a fine of not more than
2 \$500.00, or both.

3 (3) An individual who assaults or assaults and batters his
4 or her spouse or former spouse, an individual with whom he or she
5 has had a child in common, or a resident or former resident of
6 ~~his or her~~ THE SAME household, in violation of subsection (2),
7 and who has previously been convicted of assaulting or assaulting
8 and battering his or her spouse or former spouse, an individual
9 with whom he or she has had a child in common, or a resident or
10 former resident of ~~his or her~~ THE SAME household, in violation
11 of this section or a local ordinance substantially corresponding
12 to this section —, or in violation of section 81a, 82, 83, 84,
13 or 86, may be punished by imprisonment for not more than 1 year
14 or a fine of not more than \$1,000.00, or both.

15 (4) An individual who assaults or assaults and batters his
16 or her spouse or former spouse, an individual with whom he or she
17 has had a child in common, or a resident or former resident of
18 ~~his or her~~ THE SAME household, in violation of subsection (2),
19 and who has 2 or more previous convictions for assaulting or
20 assaulting and battering his or her spouse or former spouse, an
21 individual with whom he or she has had a child in common, or a
22 resident or former resident of ~~his or her~~ THE SAME household,
23 in violation of this section or a local ordinance substantially
24 corresponding to this section —, or in violation of section 81a,
25 82, 83, 84, or 86, is guilty of a felony punishable by imprison-
26 ment for not more than 2 years or a fine of not more than
27 \$2,500.00, or both.

1 Sec. 81a. (1) A person who assaults an individual without a
2 weapon and inflicts serious or aggravated injury upon that indi-
3 vidual without intending to commit murder or to inflict great
4 bodily harm less than murder is guilty of a misdemeanor punish-
5 able by imprisonment for not more than 1 year or a fine of not
6 more than \$1,000.00, or both.

7 (2) Except as provided in subsection (3), an individual who
8 assaults his or her spouse or former spouse, an individual with
9 whom he or she has had a child in common, or a resident or former
10 resident of ~~his or her~~ THE SAME household ~~—~~, without a weapon
11 and inflicts serious or aggravated injury upon that individual
12 without intending to commit murder or to inflict great bodily
13 harm less than murder is guilty of a misdemeanor punishable by
14 imprisonment for not more than 1 year or a fine of not more than
15 \$1,000.00, or both.

16 (3) An individual who assaults his or her spouse or former
17 spouse, an individual with whom he or she has had a child in
18 common, or a resident or former resident of ~~his or her~~ THE SAME
19 household, in violation of subsection (2), and who has 1 or more
20 previous convictions for assaulting or assaulting and battering
21 his or her spouse or former spouse, an individual with whom he or
22 she has had a child in common, or a resident or former resident
23 of ~~his or her~~ THE SAME household, in violation of this section
24 or section 81, 82, 83, 84, or 86 or a local ordinance substan-
25 tially corresponding to section 81, is guilty of a felony punish-
26 able by imprisonment for not more than 2 years or a fine of not
27 more than \$2,500.00, or both.