

INCREASE DOMESTIC VIOLENCE PENALTIES

House Bills 6227 and 6228
Sponsor: Rep. Tom Meyer
Committee: Criminal Justice

Complete to 10-25-02

A SUMMARY OF HOUSE BILLS 6227 AND 6228 AS INTRODUCED 6-27-02

The bills would increase the penalties for first and second offense domestic violence-related assaults, and would establish a new penalty for those who committed more than two offenses involving domestic violence. House Bill 6228 is tie-barred to House Bill 6227.

House Bill 6227. Under Section 81 of the Michigan Penal Code (MCL 750.81), a domestic violence related assault, or assault and battery, is a misdemeanor. A first offense is punishable by imprisonment for not more than 93 days or a fine of not more than \$500, or both. A second offense carries a fine of not more than \$1,000, imprisonment for not more than one year, or both. A third or subsequent domestic violence related conviction is a felony, punishable by not more than two years in prison, a fine of not more than \$2,500, or both. House Bill 6227 would increase these penalties as follows:

- A domestic violence related assault, or assault and battery, first offense, would still be a misdemeanor, but would be punishable by up to one year in prison, a fine of not more than \$500, or both.
- A domestic violence related assault, or assault and battery, second offense, would be a felony, punishable by up to two years imprisonment, a fine of not more than \$1,500, or both.
- A domestic violence related assault, or assault and battery, third or subsequent conviction, would be a felony punishable by not more than four years in prison, a fine of not more than \$2,500, or both.

House Bill 6228 would amend Chapter XVII of the Code of Criminal Procedure (MCL 777.16d) to reflect the increased penalties provided under House Bill 6228 for a domestic assault, third or subsequent conviction, and to differentiate between the sentencing guidelines for domestic assault, second conviction, and domestic assault, third or subsequent convictions, as follows:

- A domestic assault with a prior conviction would be a Class G felony, with a two-year maximum prison sentence.
- A domestic assault with two or more prior convictions would be a Class F felony, with a four-year maximum prison sentence.

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.