

**SUBSTITUTE FOR  
SENATE BILL NO. 868**

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),  
section 2950 as amended by 2016 PA 94 and section 2950a as amended  
by 2010 PA 19.

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

1       Sec. 2950. (1) Except as provided in subsections (27) and  
2       (28), by commencing an independent action to obtain relief under  
3       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  
9       individual with whom he or she has or has had a dating

1 relationship, or an individual residing or having resided in the  
2 same household as the petitioner from doing 1 or more of the  
3 following:

4 (a) Entering onto premises.

5 (b) Assaulting, attacking, beating, molesting, or wounding a  
6 named individual.

7 (c) Threatening to kill or physically injure a named  
8 individual.

9 (d) Removing minor children from the individual having legal  
10 custody of the children, except as otherwise authorized by a  
11 custody or parenting time order issued by a court of competent  
12 jurisdiction.

13 (e) Purchasing or possessing a firearm.

14 (f) Interfering with petitioner's efforts to remove  
15 petitioner's children or personal property from premises that are  
16 solely owned or leased by the individual to be restrained or  
17 enjoined.

18 (g) Interfering with petitioner at petitioner's place of  
19 employment or education or engaging in conduct that impairs  
20 petitioner's employment or educational relationship or environment.

21 (h) Having access to information in records concerning a minor  
22 child of both petitioner and respondent that will inform respondent  
23 about the address or telephone number of petitioner and  
24 petitioner's minor child or about petitioner's employment address.

25 (i) Engaging in conduct that is prohibited under section 411h  
26 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
27 750.411i.

1 (j) Any of the following with the intent to cause the  
2 petitioner mental distress or to exert control over the petitioner  
3 with respect to an animal in which the petitioner has an ownership  
4 interest:

5 (i) Injuring, killing, torturing, neglecting, or threatening  
6 to injure, kill, torture, or neglect the animal. A restraining  
7 order that enjoins conduct under this subparagraph does not  
8 prohibit the lawful killing or other use of the animal as described  
9 in section 50(11) of the Michigan penal code, 1931 PA 328, MCL  
10 750.50.

11 (ii) Removing the animal from the petitioner's possession.

12 (iii) Retaining or obtaining possession of the animal.

13 (k) Any other specific act or conduct that imposes upon or  
14 interferes with personal liberty or that causes a reasonable  
15 apprehension of violence.

16 (2) If the respondent is a person who is issued a license to  
17 carry a concealed weapon and is required to carry a weapon as a  
18 condition of his or her employment, a police officer **LICENSED OR**  
19 certified by the **MICHIGAN** commission on law enforcement standards  
20 act, 1965 PA 203, MCL 28.601 to ~~28.616~~, **28.615**, a sheriff, a deputy  
21 sheriff or a member of the Michigan department of state police, a  
22 local corrections officer, department of corrections employee, or a  
23 federal law enforcement officer who carries a firearm during the  
24 normal course of his or her employment, the petitioner shall notify  
25 the court of the respondent's occupation prior to the issuance of  
26 the personal protection order. This subsection does not apply to a  
27 petitioner who does not know the respondent's occupation.

1           (3) A petitioner may omit his or her address of residence from  
2 documents filed with the court under this section. If a petitioner  
3 omits his or her address of residence, the petitioner shall provide  
4 the court with a mailing address.

5           (4) The court shall issue a personal protection order under  
6 this section if the court determines that there is reasonable cause  
7 to believe that the individual to be restrained or enjoined may  
8 commit 1 or more of the acts listed in subsection (1). In  
9 determining whether reasonable cause exists, the court shall  
10 consider all of the following:

11           (a) Testimony, documents, or other evidence offered in support  
12 of the request for a personal protection order.

13           (b) Whether the individual to be restrained or enjoined has  
14 previously committed or threatened to commit 1 or more of the acts  
15 listed in subsection (1).

16           (5) A court shall not issue a personal protection order that  
17 restrains or enjoins conduct described in subsection (1)(a) if all  
18 of the following apply:

19           (a) The individual to be restrained or enjoined is not the  
20 spouse of the moving party.

21           (b) The individual to be restrained or enjoined or the parent,  
22 guardian, or custodian of the minor to be restrained or enjoined  
23 has a property interest in the premises.

24           (c) The moving party or the parent, guardian, or custodian of  
25 a minor petitioner has no property interest in the premises.

26           (6) A court shall not refuse to issue a personal protection  
27 order solely due to the absence of any of the following:

1 (a) A police report.

2 (b) A medical report.

3 (c) A report or finding of an administrative agency.

4 (d) Physical signs of abuse or violence.

5 (7) If the court refuses to grant a personal protection order,  
6 it shall state immediately in writing the specific reasons it  
7 refused to issue a personal protection order. If a hearing is held,  
8 the court shall also immediately state on the record the specific  
9 reasons it refuses to issue a personal protection order.

10 (8) A personal protection order may not be made mutual.  
11 Correlative separate personal protection orders are prohibited  
12 unless both parties have properly petitioned the court under  
13 subsection (1).

14 (9) A personal protection order is effective and immediately  
15 enforceable anywhere in this state when signed by a judge. Upon  
16 service, a personal protection order may also be enforced by  
17 another state, an Indian tribe, or a territory of the United  
18 States.

19 (10) The court shall designate the law enforcement agency that  
20 is responsible for entering the personal protection order into the  
21 law enforcement information network as provided by the C.J.I.S.  
22 policy council act, 1974 PA 163, MCL 28.211 to 28.215.

23 (11) A personal protection order must include all of the  
24 following, and to the extent practicable the following shall be  
25 contained in a single form:

26 (a) A statement that the personal protection order has been  
27 entered to restrain or enjoin conduct listed in the order and that

1 violation of the personal protection order will subject the  
2 individual restrained or enjoined to 1 or more of the following:

3 (i) If the respondent is 17 years of age or more, immediate  
4 arrest and the civil and criminal contempt powers of the court, and  
5 that if he or she is found guilty of criminal contempt, he or she  
6 shall be imprisoned for not more than 93 days and may be fined not  
7 more than \$500.00.

8 (ii) If the respondent is less than 17 years of age, immediate  
9 apprehension or being taken into custody, and subject to the  
10 dispositional alternatives listed in section 18 of chapter XIIA of  
11 the probate code of 1939, 1939 PA 288, MCL 712A.18.

12 (iii) If the respondent violates the personal protection order  
13 in a jurisdiction other than this state, the respondent is subject  
14 to the enforcement procedures and penalties of the state, Indian  
15 tribe, or United States territory under whose jurisdiction the  
16 violation occurred.

17 (b) A statement that the personal protection order is  
18 effective and immediately enforceable anywhere in this state when  
19 signed by a judge, and that, upon service, a personal protection  
20 order also may be enforced by another state, an Indian tribe, or a  
21 territory of the United States.

22 (c) A statement listing the type or types of conduct enjoined.

23 (d) An expiration date stated clearly on the face of the  
24 order.

25 (e) A statement that the personal protection order is  
26 enforceable anywhere in Michigan by any law enforcement agency.

27 (f) The law enforcement agency designated by the court to

1 enter the personal protection order into the law enforcement  
2 information network.

3 (g) For ex parte orders, a statement that the individual  
4 restrained or enjoined may file a motion to modify or rescind the  
5 personal protection order and request a hearing within 14 days  
6 after the individual restrained or enjoined has been served or has  
7 received actual notice of the order and that motion forms and  
8 filing instructions are available from the clerk of the court.

9 (12) A court shall issue an ex parte personal protection order  
10 without written or oral notice to the individual restrained or  
11 enjoined or his or her attorney if it clearly appears from specific  
12 facts shown by verified complaint, written motion, or affidavit  
13 that immediate and irreparable injury, loss, or damage will result  
14 from the delay required to effectuate notice or that the notice  
15 will itself precipitate adverse action before a personal protection  
16 order can be issued.

17 (13) A personal protection order issued under subsection (12)  
18 is valid for not less than 182 days. The individual restrained or  
19 enjoined may file a motion to modify or rescind the personal  
20 protection order and request a hearing under the Michigan court  
21 rules. The motion to modify or rescind the personal protection  
22 order must be filed within 14 days after the order is served or  
23 after the individual restrained or enjoined has received actual  
24 notice of the personal protection order unless good cause is shown  
25 for filing the motion after the 14 days have elapsed.

26 (14) Except as otherwise provided in this subsection, the  
27 court shall schedule a hearing on the motion to modify or rescind

1 the ex parte personal protection order within 14 days after the  
2 filing of the motion to modify or rescind. If the respondent is a  
3 person described in subsection (2) and the personal protection  
4 order prohibits him or her from purchasing or possessing a firearm,  
5 the court shall schedule a hearing on the motion to modify or  
6 rescind the ex parte personal protection order within 5 days after  
7 the filing of the motion to modify or rescind.

8 (15) The clerk of the court that issues a personal protection  
9 order shall do all of the following immediately upon issuance and  
10 without requiring a proof of service on the individual restrained  
11 or enjoined:

12 (a) File a true copy of the personal protection order with the  
13 law enforcement agency designated by the court in the personal  
14 protection order.

15 (b) Provide the petitioner with 2 or more true copies of the  
16 personal protection order.

17 (c) If respondent is identified in the pleadings as a law  
18 enforcement officer, notify the officer's employing law enforcement  
19 agency, if known, about the existence of the personal protection  
20 order.

21 (d) If the personal protection order prohibits respondent from  
22 purchasing or possessing a firearm, notify the concealed weapon  
23 licensing board in respondent's county of residence about the  
24 existence and contents of the personal protection order.

25 (e) If the respondent is identified in the pleadings as a  
26 department of corrections employee, notify the state department of  
27 corrections about the existence of the personal protection order.



1 (f) If the respondent is identified in the pleadings as being  
2 a person who may have access to information concerning the  
3 petitioner or a child of the petitioner or respondent and that  
4 information is contained in friend of the court records, notify the  
5 friend of the court for the county in which the information is  
6 located about the existence of the personal protection order.

7 (16) The clerk of the court shall inform the petitioner that  
8 he or she may take a true copy of the personal protection order to  
9 the law enforcement agency designated by the court under subsection  
10 (10) to be immediately entered into the law enforcement information  
11 network.

12 (17) The law enforcement agency that receives a true copy of  
13 the personal protection order under subsection (15) or (16) shall  
14 immediately and without requiring proof of service enter the  
15 personal protection order into the law enforcement information  
16 network as provided by the C.J.I.S. policy council act, 1974 PA  
17 163, MCL 28.211 to 28.215.

18 (18) A personal protection order issued under this section  
19 must be served personally or by registered or certified mail,  
20 return receipt requested, delivery restricted to the addressee at  
21 the last known address or addresses of the individual restrained or  
22 enjoined or by any other manner provided in the Michigan court  
23 rules. If the individual restrained or enjoined has not been  
24 served, a law enforcement officer or clerk of the court who knows  
25 that a personal protection order exists may, at any time, serve the  
26 individual restrained or enjoined with a true copy of the order or  
27 advise the individual restrained or enjoined about the existence of

1 the personal protection order, the specific conduct enjoined, the  
2 penalties for violating the order, and where the individual  
3 restrained or enjoined may obtain a copy of the order. If the  
4 respondent is less than 18 years of age, the parent, guardian, or  
5 custodian of that individual must also be served personally or by  
6 registered or certified mail, return receipt requested, delivery  
7 restricted to the addressee at the last known address or addresses  
8 of the parent, guardian, or custodian of the individual restrained  
9 or enjoined. A proof of service or proof of oral notice must be  
10 filed with the clerk of the court issuing the personal protection  
11 order. This subsection does not prohibit the immediate  
12 effectiveness of a personal protection order or its immediate  
13 enforcement under subsections (21) and (22).

14 (19) The clerk of the court shall immediately notify the law  
15 enforcement agency that received the personal protection order  
16 under subsection (15) or (16) if either of the following occurs:

17 (a) The clerk of the court has received proof that the  
18 individual restrained or enjoined has been served.

19 (b) The personal protection order is rescinded, modified, or  
20 extended by court order.

21 (20) The law enforcement agency that receives information  
22 under subsection (19) shall enter the information or cause the  
23 information to be entered into the law enforcement information  
24 network as provided by the C.J.I.S. policy council act, 1974 PA  
25 163, MCL 28.211 to 28.215.

26 (21) Subject to subsection (22), a personal protection order  
27 is immediately enforceable anywhere in this state by any law

1 enforcement agency that has received a true copy of the order, is  
2 shown a copy of it, or has verified its existence on the law  
3 enforcement information network as provided by the C.J.I.S. policy  
4 council act, 1974 PA 163, MCL 28.211 to 28.215.

5 (22) If the individual restrained or enjoined has not been  
6 served, the law enforcement agency or officer responding to a call  
7 alleging a violation of a personal protection order shall serve the  
8 individual restrained or enjoined with a true copy of the order or  
9 advise the individual restrained or enjoined about the existence of  
10 the personal protection order, the specific conduct enjoined, the  
11 penalties for violating the order, and where the individual  
12 restrained or enjoined may obtain a copy of the order. The law  
13 enforcement officer shall enforce the personal protection order and  
14 immediately enter or cause to be entered into the law enforcement  
15 information network that the individual restrained or enjoined has  
16 actual notice of the personal protection order. The law enforcement  
17 officer also shall file a proof of service or proof of oral notice  
18 with the clerk of the court issuing the personal protection order.  
19 If the individual restrained or enjoined has not received notice of  
20 the personal protection order, the individual restrained or  
21 enjoined shall be given an opportunity to comply with the personal  
22 protection order before the law enforcement officer makes a  
23 custodial arrest for violation of the personal protection order.  
24 The failure to immediately comply with the personal protection  
25 order is grounds for an immediate custodial arrest. This subsection  
26 does not preclude an arrest under section 15 or 15a of chapter IV  
27 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and

1 764.15a, or a proceeding under section 14 of chapter XIIA of the  
2 probate code of 1939, 1939 PA 288, MCL 712A.14.

3 (23) An individual who is 17 years of age or more and who  
4 refuses or fails to comply with a personal protection order under  
5 this section is subject to the criminal contempt powers of the  
6 court and, if found guilty, shall be imprisoned for not more than  
7 93 days and may be fined not more than \$500.00. An individual who  
8 is less than 17 years of age and who refuses or fails to comply  
9 with a personal protection order issued under this section is  
10 subject to the dispositional alternatives listed in section 18 of  
11 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.  
12 The criminal penalty provided for under this section may be imposed  
13 in addition to a penalty that may be imposed for another criminal  
14 offense arising from the same conduct.

15 (24) An individual who knowingly and intentionally makes a  
16 false statement to the court in support of his or her petition for  
17 a personal protection order is subject to the contempt powers of  
18 the court.

19 (25) A personal protection order issued under this section is  
20 also enforceable under chapter XIIA of the probate code of 1939,  
21 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV  
22 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

23 (26) A personal protection order issued under this section is  
24 also enforceable under chapter 17.

25 (27) A court shall not issue a personal protection order that  
26 restrains or enjoins conduct described in subsection (1) if any of  
27 the following apply:

1 (a) The respondent is the unemancipated minor child of the  
2 petitioner.

3 (b) The petitioner is the unemancipated minor child of the  
4 respondent.

5 (c) The respondent is a minor child less than 10 years of age.

6 (28) If the respondent is less than 18 years of age, issuance  
7 of a personal protection order under this section is subject to  
8 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1  
9 to 712A.32.

10 (29) A personal protection order that is issued before March  
11 1, 1999 is not invalid on the ground that it does not comply with 1  
12 or more of the requirements added by 1998 PA 477.

13 (30) For purposes of subsection (1)(j), a petitioner has an  
14 ownership interest in an animal if 1 or more of the following are  
15 applicable:

16 (a) The petitioner has a right of property in the animal.

17 (b) The petitioner keeps or harbors the animal.

18 (c) The animal is in the petitioner's care.

19 (d) The petitioner permits the animal to remain on or about  
20 premises occupied by the petitioner.

21 (31) As used in this section:

22 (a) "Dating relationship" means frequent, intimate  
23 associations primarily characterized by the expectation of  
24 affectional involvement. Dating relationship does not include a  
25 casual relationship or an ordinary fraternization between 2  
26 individuals in a business or social context.

27 (b) "Federal law enforcement officer" means an officer or

1 agent employed by a law enforcement agency of the United States  
2 government whose primary responsibility is the enforcement of laws  
3 of the United States.

4 (c) "Neglect" means that term as defined in section 50 of the  
5 Michigan penal code, 1931 PA 328, MCL 750.50.

6 (d) "Personal protection order" means an injunctive order  
7 issued by the circuit court or the family division of circuit court  
8 restraining or enjoining activity and individuals listed in  
9 subsection (1).

10 Sec. 2950a. (1) Except as provided in subsections (28), (29),  
11 and (31), by commencing an independent action to obtain relief  
12 under this section, by joining a claim to an action, or by filing a  
13 motion in an action in which the petitioner and the individual to  
14 be restrained or enjoined are parties, an individual may petition  
15 the family division of circuit court to enter a personal protection  
16 order to restrain or enjoin an individual from engaging in conduct  
17 that is prohibited under section 411h, 411i, or 411s of the  
18 Michigan penal code, 1931 PA 328, MCL 750.411h, 750.411i, and  
19 750.411s. Relief under this subsection shall not be granted unless  
20 the petition alleges facts that constitute stalking as defined in  
21 section 411h or 411i, or conduct that is prohibited under section  
22 411s, of the Michigan penal code, 1931 PA 328, MCL 750.411h,  
23 750.411i, and 750.411s. Relief may be sought and granted under this  
24 subsection whether or not the individual to be restrained or  
25 enjoined has been charged or convicted under section 411h, 411i, or  
26 411s of the Michigan penal code, 1931 PA 328, MCL 750.411h,  
27 750.411i, and 750.411s, for the alleged violation.

1           (2) Except as provided in subsections (28), (29), and (31), by  
2     commencing an independent action to obtain relief under this  
3     section, by joining a claim to an action, or by filing a motion in  
4     an action in which the petitioner and the individual to be  
5     restrained or enjoined are parties, an individual may petition the  
6     family division of circuit court to enter a personal protection  
7     order to restrain or enjoin an individual from engaging in any of  
8     the following:

9           (a) One or more of the acts listed in subsection (3), if the  
10    respondent has been convicted of a sexual assault of the  
11    petitioner, or the respondent has been convicted of furnishing  
12    obscene material to the petitioner under section 142 of the  
13    Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially  
14    similar law of the United States, another state, or a foreign  
15    country or tribal or military law. Relief under this subdivision  
16    shall be granted if the court determines that the respondent has  
17    been convicted of a sexual assault of the petitioner or that the  
18    respondent was convicted of furnishing obscene material to the  
19    petitioner under section 142 of the Michigan penal code, 1931 PA  
20    328, MCL 750.142, or a substantially similar law of the United  
21    States, another state, or a foreign country or tribal or military  
22    law.

23           (b) One or more of the acts listed in subsection (3), if the  
24    petitioner has been subjected to, threatened with, or placed in  
25    reasonable apprehension of sexual assault by the individual to be  
26    enjoined. Relief under this subdivision shall not be granted unless  
27    the petition alleges facts that demonstrate that the respondent has

1 perpetrated or threatened sexual assault against the petitioner.  
2 Evidence that a respondent has furnished obscene material to a  
3 minor petitioner ~~shall constitute~~ **CONSTITUTES** evidence that the  
4 respondent has threatened sexual assault against the petitioner.  
5 Relief may be sought and granted under this subdivision regardless  
6 of whether the individual to be restrained or enjoined has been  
7 charged with or convicted of sexual assault or an offense under  
8 section 142 of the Michigan penal code, 1931 PA 328, MCL 750.142,  
9 or a substantially similar law of the United States, another state,  
10 or a foreign country or tribal or military law.

11 (3) The court may restrain or enjoin an individual against  
12 whom a protection order is sought under subsection (2) from 1 or  
13 more of the following:

14 (a) Entering onto premises.

15 (b) Threatening to sexually assault, kill, or physically  
16 injure petitioner or a named individual.

17 (c) Purchasing or possessing a firearm.

18 (d) Interfering with the petitioner's efforts to remove the  
19 petitioner's children or personal property from premises that are  
20 solely owned or leased by the individual to be restrained or  
21 enjoined.

22 (e) Interfering with the petitioner at the petitioner's place  
23 of employment or education or engaging in conduct that impairs the  
24 petitioner's employment or educational relationship or environment.

25 (f) Following or appearing within the sight of the petitioner.

26 (g) Approaching or confronting the petitioner in a public  
27 place or on private property.



1 (h) Appearing at the petitioner's workplace or residence.

2 (i) Entering onto or remaining on property owned, leased, or  
3 occupied by the petitioner.

4 (j) Contacting the petitioner by telephone.

5 (k) Sending mail or electronic communications to the  
6 petitioner.

7 (l) Placing an object on, or delivering an object to, property  
8 owned, leased, or occupied by the petitioner.

9 (m) Engaging in conduct that is prohibited under section 411s  
10 of the Michigan penal code, 1931 PA 328, MCL 750.411s.

11 (n) Any other specific act or conduct that imposes upon or  
12 interferes with personal liberty or that causes a reasonable  
13 apprehension of violence or sexual assault.

14 (4) Section 520j of the Michigan penal code, 1931 PA 328, MCL  
15 750.520j, applies in any hearing on a petition for, a motion to  
16 modify or terminate, or an alleged violation of a personal  
17 protection order requested or issued under subsection (2), except  
18 as follows:

19 (a) The written motion and offer of proof shall be filed at  
20 least 24 hours before a hearing on a petition to issue a personal  
21 protection order or on an alleged violation of a personal  
22 protection order.

23 (b) The written motion and offer of proof shall be filed at  
24 the same time that a motion to modify or terminate a personal  
25 protection order is filed.

26 (5) If the respondent to a petition under this section is a  
27 person who is issued a license to carry a concealed weapon and is

1 required to carry a weapon as a condition of his or her employment,  
2 a police officer **LICENSED OR** certified by the **MICHIGAN** commission  
3 on law enforcement standards act, 1965 PA 203, MCL 28.601 to  
4 ~~28.616,~~ **28.615**, a sheriff, a deputy sheriff or a member of the  
5 Michigan department of state police, a local corrections officer, a  
6 department of corrections employee, or a federal law enforcement  
7 officer who carries a firearm during the normal course of his or  
8 her employment, the petitioner shall notify the court of the  
9 respondent's occupation before the personal protection order is  
10 issued. This subsection does not apply to a petitioner who does not  
11 know the respondent's occupation.

12 (6) A petitioner may omit his or her address of residence from  
13 documents filed with the court under this section. If a petitioner  
14 omits his or her address of residence, the petitioner shall provide  
15 the court a mailing address.

16 (7) If a court issues or refuses to issue a personal  
17 protection order, the court shall immediately state in writing the  
18 specific reasons for issuing or refusing to issue the personal  
19 protection order. If a hearing is held, the court shall also  
20 immediately state on the record the specific reasons for issuing or  
21 refusing to issue a personal protection order.

22 (8) A personal protection order shall not be made mutual.  
23 Correlative separate personal protection orders are prohibited  
24 unless both parties have properly petitioned the court under  
25 subsection (1) or (2).

26 (9) A personal protection order is effective and immediately  
27 enforceable anywhere in this state when signed by a judge. Upon

1 service, a personal protection order also may be enforced by  
2 another state, an Indian tribe, or a territory of the United  
3 States.

4 (10) The court shall designate the law enforcement agency that  
5 is responsible for entering the personal protection order into the  
6 L.E.I.N.

7 (11) A personal protection order issued under this section  
8 shall include all of the following, to the extent practicable in a  
9 single form:

10 (a) A statement that the personal protection order has been  
11 entered to enjoin or restrain conduct listed in the order and that  
12 violation of the personal protection order will subject the  
13 individual restrained or enjoined to 1 or more of the following:

14 (i) If the respondent is 17 years of age or older, immediate  
15 arrest and the civil and criminal contempt powers of the court. If  
16 the respondent is found guilty of criminal contempt, he or she  
17 shall be imprisoned for not more than 93 days and may be fined not  
18 more than \$500.00.

19 (ii) If the respondent is less than 17 years of age, immediate  
20 apprehension or being taken into custody and the dispositional  
21 alternatives listed in section 18 of chapter XIIIA of the probate  
22 code of 1939, 1939 PA 288, MCL 712A.18.

23 (iii) If the respondent violates the personal protection order  
24 in a jurisdiction other than this state, the enforcement procedures  
25 and penalties of the state, Indian tribe, or United States  
26 territory under whose jurisdiction the violation occurred.

27 (b) A statement that the personal protection order is

1 effective and immediately enforceable anywhere in this state when  
2 signed by a judge, and that upon service, a personal protection  
3 order also may be enforced by another state, an Indian tribe, or a  
4 territory of the United States.

5 (c) A statement listing each type of conduct enjoined.

6 (d) An expiration date stated clearly on the face of the  
7 order.

8 (e) A statement that the personal protection order is  
9 enforceable anywhere in Michigan by any law enforcement agency.

10 (f) The law enforcement agency designated by the court to  
11 enter the personal protection order into the L.E.I.N.

12 (g) For an ex parte order, a statement that the individual  
13 restrained or enjoined may file a motion to modify or rescind the  
14 personal protection order and request a hearing within 14 days  
15 after the individual restrained or enjoined is served or receives  
16 actual notice of the personal protection order and that motion  
17 forms and filing instructions are available from the clerk of the  
18 court.

19 (12) An ex parte personal protection order shall not be issued  
20 and effective without written or oral notice to the individual  
21 enjoined or his or her attorney unless it clearly appears from  
22 specific facts shown by verified complaint, written motion, or  
23 affidavit that immediate and irreparable injury, loss, or damage  
24 will result from the delay required to effectuate notice or that  
25 the notice will precipitate adverse action before a personal  
26 protection order can be issued.

27 (13) A personal protection order issued under subsection (12)

1 is valid for not less than 182 days. The individual restrained or  
2 enjoined may file a motion to modify or rescind the personal  
3 protection order and request a hearing under the Michigan court  
4 rules. The motion to modify or rescind the personal protection  
5 order shall be filed within 14 days after the order is served or  
6 after the individual restrained or enjoined receives actual notice  
7 of the personal protection order unless good cause is shown for  
8 filing the motion after 14 days have elapsed.

9 (14) Except as otherwise provided in this subsection, the  
10 court shall schedule a hearing on the motion to modify or rescind  
11 the ex parte personal protection order within 14 days after the  
12 motion to modify or rescind is filed. If the respondent is a person  
13 described in subsection (5) and the personal protection order  
14 prohibits him or her from purchasing or possessing a firearm, the  
15 court shall schedule a hearing on the motion to modify or rescind  
16 the ex parte personal protection order within 5 days after the  
17 motion to modify or rescind is filed.

18 (15) The clerk of the court that issues a personal protection  
19 order shall do all of the following immediately upon issuance  
20 without requiring proof of service on the individual restrained or  
21 enjoined:

22 (a) File a true copy of the personal protection order with the  
23 law enforcement agency designated by the court in the personal  
24 protection order.

25 (b) Provide the petitioner with 2 or more true copies of the  
26 personal protection order.

27 (c) If the individual restrained or enjoined is identified in

1 the pleadings as a law enforcement officer, notify the officer's  
2 employing law enforcement agency of the existence of the personal  
3 protection order.

4 (d) If the personal protection order prohibits the individual  
5 restrained or enjoined from purchasing or possessing a firearm,  
6 notify the concealed weapon licensing board in the individual's  
7 county of residence of the existence and content of the personal  
8 protection order.

9 (e) If the individual restrained or enjoined is identified in  
10 the pleadings as a department of corrections employee, notify the  
11 department of corrections of the existence of the personal  
12 protection order.

13 (f) If the individual restrained or enjoined is identified in  
14 the pleadings as a person who may have access to information  
15 concerning the petitioner or a child of the petitioner or  
16 individual and that information is contained in friend of the court  
17 records, notify the friend of the court for the county in which the  
18 information is located of the existence of the personal protection  
19 order.

20 (16) The clerk of a court that issues a personal protection  
21 order shall inform the petitioner that he or she may take a true  
22 copy of the personal protection order to the law enforcement agency  
23 designated by the court under subsection (10) to be immediately  
24 entered into the L.E.I.N.

25 (17) The law enforcement agency that receives a true copy of a  
26 personal protection order under subsection (15) or (16) shall  
27 immediately, without requiring proof of service, enter the personal

1 protection order into the L.E.I.N.

2 (18) A personal protection order issued under this section  
3 shall be served personally, by registered or certified mail, return  
4 receipt requested, delivery restricted to the addressee at the last  
5 known address or addresses of the individual restrained or enjoined  
6 or by any other method allowed by the Michigan court rules. If the  
7 individual restrained or enjoined has not been served, a law  
8 enforcement officer or clerk of the court who knows that a personal  
9 protection order exists may, at any time, serve the individual  
10 restrained or enjoined with a true copy of the order or advise the  
11 individual restrained or enjoined of the existence of the personal  
12 protection order, the specific conduct enjoined, the penalties for  
13 violating the order, and where the individual restrained or  
14 enjoined may obtain a copy of the order. If the individual  
15 restrained or enjoined is less than 18 years of age, the parent,  
16 guardian, or custodian of the individual shall also be served  
17 personally or by registered or certified mail, return receipt  
18 requested, delivery restricted to the addressee at the last known  
19 address or addresses of the parent, guardian, or custodian. A proof  
20 of service or proof of oral notice shall be filed with the clerk of  
21 the court issuing the personal protection order. This subsection  
22 does not prohibit the immediate effectiveness of a personal  
23 protection order or immediate enforcement under subsection (21) or  
24 (22) .

25 (19) The clerk of the court that issued a personal protection  
26 order shall immediately notify the law enforcement agency that  
27 received the personal protection order under subsection (15) or

1 (16) if either or both of the following occur:

2 (a) The clerk of the court receives proof that the individual  
3 restrained or enjoined has been served.

4 (b) The personal protection order is rescinded, modified, or  
5 extended by court order.

6 (20) The law enforcement agency that receives information  
7 under subsection (19) shall enter the information or cause the  
8 information to be entered into the L.E.I.N.

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 L.E.I.N.

13 (22) If the individual restrained or enjoined by a personal  
14 protection order has not been served, a law enforcement agency or  
15 officer responding to a call alleging a violation of the personal  
16 protection order shall serve the individual restrained or enjoined  
17 with a true copy of the order or advise the individual restrained  
18 or enjoined of the existence of the personal protection order, the  
19 specific conduct enjoined, the penalties for violating the order,  
20 and where the individual restrained or enjoined may obtain a copy  
21 of the order. The law enforcement officer shall enforce the  
22 personal protection order and immediately enter or cause to be  
23 entered into the L.E.I.N. that the individual restrained or  
24 enjoined has actual notice of the personal protection order. The  
25 law enforcement officer also shall file a proof of service or proof  
26 of oral notice with the clerk of the court that issued the personal  
27 protection order. If the individual restrained or enjoined has not



1 received notice of the personal protection order, the individual  
2 restrained or enjoined shall be given an opportunity to comply with  
3 the personal protection order before the law enforcement officer  
4 makes a custodial arrest for violation of the personal protection  
5 order. Failure to immediately comply with the personal protection  
6 order is grounds for an immediate custodial arrest. This subsection  
7 does not preclude an arrest under section 15 or 15a of chapter IV  
8 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and  
9 764.15a, or a proceeding under section 14 of chapter XIIIA of the  
10 probate code of 1939, 1939 PA 288, MCL 712A.14.

11 (23) An individual 17 years of age or older who refuses or  
12 fails to comply with a personal protection order issued under this  
13 section is subject to the criminal contempt powers of the court  
14 and, if found guilty of criminal contempt, shall be imprisoned for  
15 not more than 93 days and may be fined not more than \$500.00. An  
16 individual less than 17 years of age who refuses or fails to comply  
17 with a personal protection order issued under this section is  
18 subject to the dispositional alternatives listed in section 18 of  
19 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.  
20 The criminal penalty under this section may be imposed in addition  
21 to any penalty that may be imposed for any other criminal offense  
22 arising from the same conduct.

23 (24) An individual who knowingly and intentionally makes a  
24 false statement to a court in support of his or her petition for a  
25 personal protection order is subject to the contempt powers of the  
26 court.

27 (25) A personal protection order issued under this section is

1 also enforceable under chapter XIIIA of the probate code of 1939,  
2 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV  
3 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

4 (26) A personal protection order issued under this section may  
5 enjoin or restrain an individual from purchasing or possessing a  
6 firearm.

7 (27) A personal protection order issued under this section is  
8 also enforceable under chapter 17.

9 (28) A court shall not issue a personal protection order that  
10 restrains or enjoins conduct described in subsection (1) or (3) if  
11 any of the following apply:

12 (a) The respondent is the unemancipated minor child of the  
13 petitioner.

14 (b) The petitioner is the unemancipated minor child of the  
15 respondent.

16 (c) The respondent is a minor child less than 10 years of age.

17 (29) If the respondent is less than 18 years old, issuance of  
18 a personal protection order under this section is subject to  
19 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1  
20 to 712A.32.

21 (30) A personal protection order issued before March 1, 1999  
22 is not invalid on the ground that it does not comply with 1 or more  
23 of the requirements added by 1998 PA 476.

24 (31) A court shall not issue a personal protection order under  
25 this section if the petitioner is a prisoner. If a personal  
26 protection order is issued in violation of this subsection, a court  
27 shall rescind the personal protection order upon notification and

1 verification that the petitioner is a prisoner.

2 (32) As used in this section:

3 (a) "Convicted" means 1 of the following:

4 (i) The subject of a judgment of conviction or a probation  
5 order entered in a court that has jurisdiction over criminal  
6 offenses, including a tribal court or a military court.

7 (ii) Assigned to youthful trainee status under sections 11 to  
8 15 of chapter II of the code of criminal procedure, 1927 PA 175,  
9 MCL 762.11 to 762.15, if the individual's status of youthful  
10 trainee is revoked and an adjudication of guilt is entered.

11 (iii) The subject of an order of disposition entered under  
12 section 18 of chapter XIIA of the probate code of 1939, 1939 PA  
13 288, MCL 712A.18, that is open to the general public under section  
14 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
15 712A.28.

16 (iv) The subject of an order of disposition or other  
17 adjudication in a juvenile matter in another state or country.

18 (b) "Federal law enforcement officer" means an officer or  
19 agent employed by a law enforcement agency of the United States  
20 government whose primary responsibility is the enforcement of laws  
21 of the United States.

22 (c) "L.E.I.N." means the law enforcement information network  
23 administered under the C.J.I.S. policy council act, 1974 PA 163,  
24 MCL 28.211 to 28.215.

25 (d) "Personal protection order" means an injunctive order  
26 issued by the circuit court or the family division of circuit court  
27 restraining or enjoining conduct prohibited under subsection (1) or

1 (3).

2 (e) "Prisoner" means a person subject to incarceration,  
3 detention, or admission to a prison who is accused of, convicted  
4 of, sentenced for, or adjudicated delinquent for violations of  
5 federal, state, or local law or the terms and conditions of parole,  
6 probation, pretrial release, or a diversionary program.

7 (f) "Sexual assault" means an act, attempted act, or  
8 conspiracy to engage in an act of criminal conduct as defined in  
9 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,  
10 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and  
11 750.520g, or an offense under a law of the United States, another  
12 state, or a foreign country or tribal or military law that is  
13 substantially similar to an offense listed in this subdivision.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect  
17 unless Senate Bill No. 92 or House Bill No.\_\_\_\_ (request no.  
18 00913'15 \*) of the 98th Legislature is enacted into law.