

HOUSE BILL No. 5532

February 8, 2018, Introduced by Reps. Santana, Theis, Noble, Whiteford, Rendon, Kelly, Bizon, VerHeulen, Glenn, Bellino, Kahle, Alexander, Farrington, Hornberger, Barrett, VanderWall, Griffin, LaFave, Sheppard, Leutheuser, Lucido, Reilly and Yaroch and referred to the Committee on Law and Justice.

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),
as amended by 2016 PA 296.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2950. (1) Except as **OTHERWISE** provided in subsections
2 **(26) AND (27), and ~~(28)~~**, by commencing an independent action to
3 obtain relief under this section, by joining a claim to an action,
4 or by filing a motion in an action in which the petitioner and the
5 individual to be restrained or enjoined are parties, an individual
6 may petition the family division of circuit court to enter a
7 personal protection order to restrain or enjoin a spouse, a former
8 spouse, an individual with whom he or she has had a child in
9 common, an 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) IF THE PETITIONER IS A MINOR WHO HAS BEEN THE VICTIM OF**
22 **SEXUAL ASSAULT, AS THAT TERM IS DEFINED IN SECTION 2950A, BY THE**
23 **RESPONDENT AND IF THE PETITIONER IS ENROLLED IN A PUBLIC OR**
24 **NONPUBLIC SCHOOL THAT OPERATES ANY OF GRADES K TO 12, ATTENDING**
25 **SCHOOL IN THE SAME BUILDING AS THE PETITIONER.**

26 **(I) ~~(h)~~** Having access to information in records concerning a
27 minor child of both petitioner and respondent that will inform

1 respondent about the address or telephone number of petitioner and
2 petitioner's minor child or about petitioner's employment address.

3 (J) ~~(i)~~—Engaging in conduct that is prohibited under section
4 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h
5 and 750.411i.

6 (K) ~~(j)~~—Any of the following with the intent to cause the
7 petitioner mental distress or to exert control over the petitioner
8 with respect to an animal in which the petitioner has an ownership
9 interest:

10 (i) Injuring, killing, torturing, neglecting, or threatening
11 to injure, kill, torture, or neglect the animal. A restraining
12 order that enjoins conduct under this subparagraph does not
13 prohibit the lawful killing or other use of the animal as described
14 in section 50(11) of the Michigan penal code, 1931 PA 328, MCL
15 750.50.

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

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

18 (L) ~~(k)~~—Any other specific act or conduct that imposes upon or
19 interferes with personal liberty or that causes a reasonable
20 apprehension of violence.

21 (2) If the respondent is a person who is issued a license to
22 carry a concealed weapon and is required to carry a weapon as a
23 condition of his or her employment, a police officer licensed or
24 certified by the Michigan commission on law enforcement standards
25 act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff
26 or a member of the Michigan department of state police, a local
27 corrections officer, department of corrections employee, or a

1 federal law enforcement officer who carries a firearm during the
2 normal course of his or her employment, the petitioner shall notify
3 the court of the respondent's occupation ~~prior to the~~ **BEFORE**
4 issuance of the personal protection order. This subsection does not
5 apply to a petitioner who does not know the respondent's
6 occupation.

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

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

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

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

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

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

27 (b) The individual to be restrained or enjoined or the parent,

1 guardian, or custodian of the minor to be restrained or enjoined
2 has a property interest in the premises.

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

5 (6) A court shall not refuse to issue a personal protection
6 order solely ~~due to~~ **BECAUSE OF** the absence of any of the following:

7 (a) A police report.

8 (b) A medical report.

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

10 (d) Physical signs of abuse or violence.

11 (7) If the court refuses to grant a personal protection order,
12 it shall state immediately in writing the specific reasons it
13 refused to issue a personal protection order. If a hearing is held,
14 the court shall also immediately state on the record the specific
15 reasons it refuses to issue a personal protection order.

16 (8) A **COURT SHALL NOT ISSUE A MUTUAL** personal protection
17 order. ~~may not be made mutual.~~ Correlative separate personal
18 protection orders are prohibited unless both parties have properly
19 petitioned the court under subsection (1).

20 (9) A personal protection order is effective and immediately
21 enforceable anywhere in this state ~~when~~ **AFTER BEING** signed by a
22 judge. Upon service, a personal protection order may also be
23 enforced by another state, an Indian tribe, or a territory of the
24 United States.

25 (10) The **ISSUING** court shall designate ~~the~~ **A** law enforcement
26 agency that is responsible for entering ~~the~~ **A** personal protection
27 order into the law enforcement information network as provided by

1 the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

2 (11) A personal protection order must include all of the
3 following, ~~and to the extent practicable the following shall be~~
4 ~~contained~~ in a single form:

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

9 (i) If the respondent is 17 years of age or ~~more~~, **OLDER**,
10 immediate arrest and the civil and criminal contempt powers of the
11 court, ~~and, that if he or she is found guilty of criminal contempt,~~
12 ~~he or she shall be imprisoned~~ **IMPRISONMENT** for not more than 93
13 days and ~~may be fined~~ **A FINE OF** not more than \$500.00.

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

18 (iii) If the respondent violates the personal protection order
19 in a jurisdiction other than this state, ~~the respondent is subject~~
20 ~~to the enforcement procedures and penalties of the state, Indian~~
21 tribe, or United States territory under whose jurisdiction the
22 violation occurred.

23 (b) A statement that the personal protection order is
24 effective and immediately enforceable anywhere in this state ~~when~~
25 **AFTER BEING** signed by a judge, ~~and that, upon service, a personal~~
26 protection order also may be enforced by another state, an Indian
27 tribe, or a territory of the United States.

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

2 (d) An expiration date stated clearly on the face of the
3 order.

4 (e) A statement that the personal protection order is
5 enforceable anywhere in ~~Michigan~~**THIS STATE** by any law enforcement
6 agency.

7 (f) The **NAME OF THE** law enforcement agency designated by the
8 court to enter the personal protection order into the law
9 enforcement information network.

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

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

24 (13) A personal protection order issued under subsection (12)
25 is valid for not less than 182 days. The individual restrained or
26 enjoined may file a motion to modify or rescind the personal
27 protection order and request a hearing under the Michigan court

1 rules. ~~The~~ **A** motion to modify or rescind the personal protection
2 order must be filed within 14 days after the order is served or
3 after the individual restrained or enjoined has received actual
4 notice of the personal protection order unless good cause is shown
5 for filing the motion after the 14 days have elapsed.

6 (14) Except as otherwise provided in this subsection, the
7 court shall schedule a hearing on ~~the~~ **A** motion to modify or rescind
8 the ex parte personal protection order within 14 days after ~~the~~
9 ~~filing of the motion to modify or rescind.~~ **IS FILED.** If the
10 respondent is a person described in subsection (2) and the personal
11 protection order prohibits him or her from purchasing or possessing
12 a firearm, the court shall schedule a hearing on the motion to
13 modify or rescind the ex parte personal protection order within 5
14 days after ~~the filing of the motion to modify or rescind.~~ **IS FILED.**

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

19 (a) File a true copy of the personal protection order with the
20 law enforcement agency designated by the court in the personal
21 protection order.

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

24 (c) If **THE** respondent is identified in the pleadings as a law
25 enforcement officer, notify the officer's employing law enforcement
26 agency, if known, about the existence of the personal protection
27 order.

1 (d) If the personal protection order prohibits **THE** respondent
2 from purchasing or possessing a firearm, notify the ~~concealed~~
3 ~~weapon licensing board in~~ **COUNTY CLERK OF THE** respondent's county
4 of residence about the existence and contents of the personal
5 protection order.

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

9 (f) If the respondent is identified in the pleadings as being
10 a person who may have access to information concerning the
11 petitioner or a child of the petitioner or respondent and that
12 information is contained in friend of the court records, notify the
13 friend of the court for the county in which the information is
14 located about the existence of the personal protection order.

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

20 (17) The law enforcement agency that receives a true copy of
21 ~~the~~ **A** personal protection order under subsection (15) or (16) shall
22 immediately and without requiring proof of service enter the
23 personal protection order 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 (18) A personal protection order issued under this section
27 must be served personally or by registered or certified mail,

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

22 (19) The clerk of the court **THAT ISSUED THE PERSONAL**
23 **PROTECTION ORDER** shall immediately notify the law enforcement
24 agency that received the personal protection order under subsection
25 (15) or (16) if either of the following occurs:

26 (a) The clerk of the court ~~has received~~ **RECEIVES** proof that
27 the individual restrained or enjoined has been served.

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

3 (20) The law enforcement agency that receives information
4 under subsection (19) shall enter the information or cause the
5 information to be entered into the law enforcement information
6 network as provided by the C.J.I.S. policy council act, 1974 PA
7 163, MCL 28.211 to 28.215.

8 (21) Subject to subsection (22), a personal protection order
9 is immediately enforceable anywhere in this state by any law
10 enforcement agency that has received a true copy of the order, is
11 shown a copy of it, or has verified its existence on the law
12 enforcement information network as provided by the C.J.I.S. policy
13 council act, 1974 PA 163, MCL 28.211 to 28.215.

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

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

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

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

(25) A personal protection order issued under this section is also enforceable under ~~chapter XIIIA of the probate code of 1939,~~ ~~1939 PA 288, MCL 712A.1 to 712A.32, and~~ section 15b of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.15b, **AND** **CHAPTER 17.**

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

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

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

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

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

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

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

(29) ~~(30)~~ For purposes of subsection ~~(1) (j)~~, **(1) (K)**, a petitioner has an ownership interest in an animal if 1 or more of the following are applicable:

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

(b) The petitioner keeps or harbors the animal.

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

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

4 **(30)** ~~(31)~~ As used in this section:

5 (a) "Dating relationship" means frequent, intimate
6 associations primarily characterized by the expectation of
7 affectional involvement. Dating relationship does not include a
8 casual relationship or an ordinary fraternization between 2
9 individuals in a business or social context.

10 (b) "Federal law enforcement officer" means an officer or
11 agent employed by a law enforcement agency of the United States
12 government whose primary responsibility is the enforcement of laws
13 of the United States.

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

16 (d) "Personal protection order" means an injunctive order
17 issued by ~~the circuit court or~~ the family division of circuit court
18 restraining or enjoining activity and individuals listed in
19 subsection (1).

20 Sec. 2950a. (1) Except as provided in subsections **(27)**, (28),
21 ~~(29)~~, and ~~(31)~~, **(30)**, by commencing an independent action to obtain
22 relief under this section, by joining a claim to an action, or by
23 filing a motion in an action in which the petitioner and the
24 individual to be restrained or enjoined are parties, an individual
25 may petition the family division of circuit court to enter a
26 personal protection order to restrain or enjoin an individual from
27 engaging in conduct that is prohibited under section 411h, 411i, or

411s of the Michigan penal code, 1931 PA 328, MCL 750.411h,
 750.411i, and 750.411s. ~~Relief~~ **A COURT SHALL NOT GRANT RELIEF** under
 this subsection ~~shall not be granted unless~~ the petition alleges
 facts that constitute stalking as defined in section 411h or 411i,
 or conduct that is prohibited under section 411s, of the Michigan
 penal code, 1931 PA 328, MCL 750.411h, 750.411i, and 750.411s.
 Relief may be sought and granted under this subsection whether or
 not the individual to be restrained or enjoined has been charged or
 convicted under section 411h, 411i, or 411s of the Michigan penal
 code, 1931 PA 328, MCL 750.411h, 750.411i, and 750.411s, for the
 alleged violation.

(2) Except as provided in subsections ~~(27)~~, (28), ~~(29)~~, and
~~(31)~~, **(30)**, by commencing an independent action to obtain relief
 under this section, by joining a claim to an action, or by filing a
 motion in an action in which the petitioner and the individual to
 be restrained or enjoined are parties, an individual may petition
 the family division of circuit court to enter a personal protection
 order to restrain or enjoin an individual from engaging in any of
 the following:

(a) One or more of the acts listed in subsection (3), if the
 respondent has been convicted of a sexual assault of the
 petitioner, or the respondent has been convicted of furnishing
 obscene material to the petitioner under section 142 of the
 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially
 similar law of the United States, another state, or a foreign
 country or tribal or military law. ~~Relief~~ **A COURT SHALL GRANT**
RELIEF under this subdivision ~~shall be granted if~~ the court

1 determines that the respondent has been convicted of a sexual
2 assault of the petitioner or that the respondent was convicted of
3 furnishing obscene material to the petitioner under section 142 of
4 the Michigan penal code, 1931 PA 328, MCL 750.142, or a
5 substantially similar law of the United States, another state, or a
6 foreign country or tribal or military law.

7 (b) One or more of the acts listed in subsection (3), if the
8 petitioner has been subjected to, threatened with, or placed in
9 reasonable apprehension of sexual assault by the individual to be
10 enjoined. ~~Relief~~ **A COURT SHALL NOT GRANT RELIEF** under this
11 subdivision ~~shall not be granted~~ unless the petition alleges facts
12 that demonstrate that the respondent has perpetrated or threatened
13 sexual assault against the petitioner. Evidence that a respondent
14 has furnished obscene material to a minor petitioner ~~constitutes~~ **IS**
15 evidence that the respondent has threatened sexual assault against
16 the petitioner. Relief may be sought and granted under this
17 subdivision regardless of whether the individual to be restrained
18 or enjoined has been charged with or convicted of sexual assault or
19 an offense 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 (3) The court may restrain or enjoin an individual against
24 whom a protection order is sought under subsection (2) from 1 or
25 more of the following:

26 (a) Entering onto premises.

27 (b) Threatening to sexually assault, kill, or physically

1 injure petitioner or a named individual.

2 (c) Purchasing or possessing a firearm.

3 (d) Interfering with the petitioner's efforts to remove the
4 petitioner's children or personal property from premises that are
5 solely owned or leased by the individual to be restrained or
6 enjoined.

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

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

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

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

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

16 (j) Contacting the petitioner by telephone.

17 **(K) IF THE PETITIONER IS A MINOR WHO IS ENROLLED IN A PUBLIC**
18 **OR NONPUBLIC SCHOOL THAT OPERATES ANY OF GRADES K TO 12, ATTENDING**
19 **SCHOOL IN THE SAME BUILDING AS THE PETITIONER.**

20 **(I)** ~~(k)~~ Sending mail or electronic communications to the
21 petitioner.

22 **(M)** ~~(l)~~ Placing an object on, or delivering an object to,
23 property owned, leased, or occupied by the petitioner.

24 **(N)** ~~(m)~~ Engaging in conduct that is prohibited under section
25 411s of the Michigan penal code, 1931 PA 328, MCL 750.411s.

26 **(O)** ~~(n)~~ Any other specific act or conduct that imposes upon or
27 interferes with personal liberty or that causes a reasonable

1 apprehension of violence or sexual assault.

2 (4) Section 520j of the Michigan penal code, 1931 PA 328, MCL
3 750.520j, applies in any hearing on a petition for, a motion to
4 modify or terminate, or an alleged violation of a personal
5 protection order requested or issued under subsection (2), except
6 as follows:

7 (a) The written motion and offer of proof ~~shall~~**MUST** be filed
8 at least 24 hours before a hearing on a petition to issue a
9 personal protection order or on an alleged violation of a personal
10 protection order.

11 (b) The written motion and offer of proof ~~shall~~**MUST** be filed
12 at the same time that a motion to modify or terminate a personal
13 protection order is filed.

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

27 (6) A petitioner may omit his or her address of residence from

1 documents filed with the court under this section. If a petitioner
2 omits his or her address of residence, the petitioner shall provide
3 the court a mailing address.

4 (7) If a court issues or refuses to issue a personal
5 protection order, the court shall immediately state in writing the
6 specific reasons for issuing or refusing to issue the personal
7 protection order. If a hearing is held, the court shall also
8 immediately state on the record the specific reasons for issuing or
9 refusing to issue a personal protection order.

10 (8) A **COURT SHALL NOT ISSUE A MUTUAL** personal protection
11 order. ~~shall not be made mutual.~~ Correlative separate personal
12 protection orders are prohibited unless both parties have properly
13 petitioned the court under subsection (1) or (2).

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

19 (10) The court **THAT ISSUES A PERSONAL PROTECTION ORDER** shall
20 designate ~~the~~ **A** law enforcement agency that is responsible for
21 entering the personal protection order into the L.E.I.N.

22 (11) A personal protection order issued under this section
23 ~~shall~~ **MUST** include all of the following, to the extent practicable
24 in a single form:

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

1 individual restrained or enjoined to 1 or more of the following:

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

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

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

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

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

21 (d) An expiration date stated clearly on the face of the
22 order.

23 (e) A statement that the personal protection order is
24 enforceable anywhere in ~~Michigan~~**THIS STATE** by any law enforcement
25 agency.

26 (f) The **NAME OF THE** law enforcement agency designated by the
27 court to enter the personal protection order into the L.E.I.N.

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

8 (12) ~~An ex parte~~ **A COURT SHALL NOT ISSUE A** personal protection
9 order ~~shall not be issued and effective~~ **EX PARTE** without written or
10 oral notice to the individual enjoined or his or her attorney
11 unless it clearly appears from specific facts shown by **A** verified
12 complaint, written motion, or affidavit that immediate and
13 irreparable injury, loss, or damage will result from the delay
14 required to effectuate notice or that the notice will precipitate
15 adverse action before a personal protection order can be issued.

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

25 (14) Except as otherwise provided in this subsection, ~~the~~ **A**
26 court shall schedule a hearing on ~~the~~ **A** motion to modify or rescind
27 ~~the~~ **AN** ex parte personal protection order within 14 days after the

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

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

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

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

16 (c) If the individual restrained or enjoined is identified in
17 the pleadings as a law enforcement officer, notify the officer's
18 employing law enforcement agency of the existence of the personal
19 protection order.

20 (d) If the personal protection order prohibits the individual
21 restrained or enjoined from purchasing or possessing a firearm,
22 notify the ~~concealed weapon licensing board in~~ **COUNTY CLERK OF** the
23 individual's county of residence of the existence and content of
24 the personal protection order.

25 (e) If the individual restrained or enjoined is identified in
26 the pleadings as a department of corrections employee, notify the
27 department of corrections of the existence of the personal

1 protection order.

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

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

14 (17) The law enforcement agency that receives a true copy of a
15 personal protection order under subsection (15) or (16) shall
16 immediately, without requiring proof of service, enter the personal
17 protection order into the L.E.I.N.

18 (18) A personal protection order issued under this section
19 ~~shall~~**MUST** be served personally, 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 method allowed by 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 of 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 individual restrained or enjoined is less than 18 years of age, the
5 parent, guardian, or custodian of the individual ~~shall~~**MUST** also be
6 served personally or by registered or certified mail, return
7 receipt requested, delivery restricted to the addressee at the last
8 known address or addresses of the parent, guardian, or custodian. A
9 proof of service or proof of oral notice ~~shall~~**MUST** be filed with
10 the clerk of the court issuing the personal protection order. This
11 subsection does not prohibit the immediate effectiveness of a
12 personal protection order or immediate enforcement under subsection
13 (21) or (22).

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

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

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

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

25 (21) Subject to subsection (22), a personal protection order
26 is immediately enforceable anywhere in this state by any law
27 enforcement agency that has received a true copy of the order, is

1 shown a copy of it, or has verified its existence on the L.E.I.N.

2 (22) If the individual restrained or enjoined by a personal
3 protection order has not been served, a law enforcement agency or
4 officer responding to a call alleging a violation of the personal
5 protection order shall serve the individual restrained or enjoined
6 with a true copy of the order or advise the individual restrained
7 or enjoined of the existence of the personal protection order, the
8 specific conduct enjoined, the penalties for violating the order,
9 and where the individual restrained or enjoined may obtain a copy
10 of the order. The law enforcement officer shall enforce the
11 personal protection order and immediately enter or cause to be
12 entered into the L.E.I.N. that the individual restrained or
13 enjoined has actual notice of the personal protection order. The
14 law enforcement officer also shall file a proof of service or proof
15 of oral notice with the clerk of the court that issued the personal
16 protection order. If the individual restrained or enjoined has not
17 received notice of the personal protection order, the individual
18 restrained or enjoined ~~shall~~**MUST** be given an opportunity to comply
19 with the personal protection order before the law enforcement
20 officer makes a custodial arrest for violation of the personal
21 protection order. Failure to immediately comply with the personal
22 protection order is grounds for an immediate custodial arrest. This
23 subsection does not preclude an arrest under section 15 or 15a of
24 chapter IV of the code of criminal procedure, 1927 PA 175, MCL
25 764.15 and 764.15a, or a proceeding under section 14 of chapter
26 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

27 (23) An individual 17 years of age or older who refuses or

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

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

16 (25) A personal protection order issued under this section is
17 also enforceable under ~~chapter XIIIA of the probate code of 1939,~~
18 ~~1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV~~
19 ~~of the code of criminal procedure, 1927 PA 175, MCL 764.15b, AND~~
20 **CHAPTER 17.**

21 (26) A personal protection order issued under this section may
22 enjoin or restrain an individual from purchasing or possessing a
23 firearm.

24 ~~— (27) A personal protection order issued under this section is~~
25 ~~also enforceable under chapter 17.~~

26 (27) ~~(28)~~ A court shall not issue a personal protection order
27 that restrains or enjoins conduct described in subsection (1) or

1 (3) if any of the following apply:

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

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

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

7 (28) ~~(29)~~ If the respondent is less than 18 years old,
8 issuance of a personal protection order under this section is
9 subject to chapter XIIIA of the probate code of 1939, 1939 PA 288,
10 MCL 712A.1 to 712A.32.

11 (29) ~~(30)~~ A personal protection order issued before March 1,
12 1999 is not invalid on the ground that it does not comply with 1 or
13 more of the requirements added by 1998 PA 476.

14 (30) ~~(31)~~ A court shall not issue a personal protection order
15 under this section if the petitioner is a prisoner. If a personal
16 protection order is issued in violation of this subsection, a court
17 shall rescind the personal protection order upon notification and
18 verification that the petitioner is a prisoner.

19 (31) ~~(32)~~ As used in this section:

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

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

24 (ii) Assigned to youthful trainee status under sections 11 to
25 15 of chapter II of the code of criminal procedure, 1927 PA 175,
26 MCL 762.11 to 762.15, if the individual's status of youthful
27 trainee is revoked and an adjudication of guilt is entered.

1 (iii) The subject of an order of disposition entered under
2 section 18 of chapter XIIA of the probate code of 1939, 1939 PA
3 288, MCL 712A.18, that is open to the general public under section
4 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
5 712A.28.

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

8 (b) "Federal law enforcement officer" means an officer or
9 agent employed by a law enforcement agency of the United States
10 government whose primary responsibility is the enforcement of laws
11 of the United States.

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

15 (d) "Personal protection order" means an injunctive order
16 issued by ~~the circuit court or~~ the family division of circuit court
17 restraining or enjoining conduct prohibited under subsection (1) or
18 (3).

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

24 (f) "Sexual assault" means an act, attempted act, or
25 conspiracy to engage in an act of criminal conduct as defined in
26 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,
27 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and

1 750.520g, or an offense under a law of the United States, another
2 state, or a foreign country or tribal or military law that is
3 substantially similar to an offense listed in this subdivision.

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