

# 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 XIIA 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 XIIIA 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 XIIA 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 XIIA 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 XIIIA 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 XIIIA 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.