

HOUSE BILL No. 5653

June 11, 2014, Introduced by Reprs. Price, Rutledge, Zemke, Slavens, Irwin, Stallworth, Hobbs, Hovey-Wright and Geiss and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 81 (MCL 750.81), as amended by 2012 PA 366.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) Except as otherwise provided in this section, a
2 person who assaults or assaults and batters an individual, if no
3 other punishment is prescribed by law, is guilty of a misdemeanor
4 punishable by imprisonment for not more than 93 days or a fine of
5 not more than \$500.00, or both.

6 (2) Except as provided in subsection (3) or (4), an individual
7 who assaults or assaults and batters his or her spouse or former
8 spouse, an individual with whom he or she has or has had a dating
9 relationship, an individual with whom he or she has had a child in
10 common, or a resident or former resident of his or her household,
11 **OR AGAINST AN INDIVIDUAL WHO IS PREGNANT**, is guilty of a

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

3 (3) An individual who commits an assault or an assault and
4 battery in violation of subsection (2), and who has previously been
5 convicted of assaulting or assaulting and battering his or her
6 spouse or former spouse, an individual with whom he or she has or
7 has had a dating relationship, an individual with whom he or she
8 has had a child in common, or a resident or former resident of his
9 or her household, **OR AGAINST AN INDIVIDUAL WHO IS PREGNANT**, under
10 any of the following, may be punished by imprisonment for not more
11 than 1 year or a fine of not more than \$1,000.00, or both:

12 (a) This section or an ordinance of a political subdivision of
13 this state substantially corresponding to this section.

14 (b) Section 81a, 82, 83, 84, or 86.

15 (c) A law of another state or an ordinance of a political
16 subdivision of another state substantially corresponding to this
17 section or section 81a, 82, 83, 84, or 86.

18 (4) An individual who commits an assault or an assault and
19 battery in violation of subsection (2), and who has 2 or more
20 previous convictions for assaulting or assaulting and battering his
21 or her spouse or former spouse, an individual with whom he or she
22 has or has had a dating relationship, an individual with whom he or
23 she has had a child in common, or a resident or former resident of
24 his or her household, **OR AN INDIVIDUAL WHO IS PREGNANT**, under any
25 of the following, is guilty of a felony punishable by imprisonment
26 for not more than 5 years or a fine of not more than \$5,000.00, or
27 both:

1 (a) This section or an ordinance of a political subdivision of
2 this state substantially corresponding to this section.

3 (b) Section 81a, 82, 83, 84, or 86.

4 (c) A law of another state or an ordinance of a political
5 subdivision of another state substantially corresponding to this
6 section or section 81a, 82, 83, 84, or 86.

7 (5) This section does not apply to an individual using
8 necessary reasonable physical force in compliance with section 1312
9 of the revised school code, 1976 PA 451, MCL 380.1312.

10 (6) As used in this section, "dating relationship" means
11 frequent, intimate associations primarily characterized by the
12 expectation of affectional involvement. This term does not include
13 a casual relationship or an ordinary fraternization between 2
14 individuals in a business or social context.