

HOUSE BILL No. 6530

September 29, 2010, Introduced by Reps. Neumann, Polidori, Terry Brown, Mayes and Sheltrown and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a), section 2950 as amended by 2001 PA 200 and section 2950a as amended by 2010 PA 19, and by adding section 2950n.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2950. (1) Except as provided in subsections (27) and
2 (28), by commencing an independent action to obtain relief under
3 this section, by joining a claim to an action, or by filing a
4 motion in an action in which the petitioner and the individual to
5 be restrained or enjoined are parties, an individual may petition
6 the family division of circuit court to enter a personal protection
7 order to restrain or enjoin a spouse, a former spouse, an
8 individual with whom he or she has had a child in common, an

1 individual with whom he or she has or has had a dating
2 relationship, or an individual residing or having resided in the
3 same household as the petitioner from doing 1 or more of the
4 following:

5 (a) Entering onto premises.

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

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

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

14 (e) Purchasing or possessing a firearm.

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

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

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

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

1 750.411i.

2 (j) Any other specific act or conduct that imposes upon or
3 interferes with personal liberty or that causes a reasonable
4 apprehension of violence.

5 (2) If the respondent is a person who is issued a license to
6 carry a concealed weapon and is required to carry a weapon as a
7 condition of his or her employment, a police officer certified by
8 the commission on law enforcement standards act, 1965 PA 203, MCL
9 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the
10 Michigan department of state police, a local corrections officer,
11 department of corrections employee, or a federal law enforcement
12 officer who carries a firearm during the normal course of his or
13 her employment, the petitioner shall notify the court of the
14 respondent's occupation prior to the issuance of the personal
15 protection order. This subsection does not apply to a petitioner
16 who does not know the respondent's occupation.

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

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

27 (a) Testimony, documents, or other evidence offered in support

1 of the request for a personal protection order.

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

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

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

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

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

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

17 (a) A police report.

18 (b) A medical report.

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

20 (d) Physical signs of abuse or violence.

21 (7) If the court refuses to grant a personal protection order,
22 it shall state immediately in writing the specific reasons it
23 refused to issue a personal protection order. If a hearing is held,
24 the court shall also immediately state on the record the specific
25 reasons it refuses to issue a personal protection order.

26 (8) A personal protection order shall not be made mutual.

27 Correlative separate personal protection orders are prohibited

1 unless both parties have properly petitioned the court pursuant to
2 **UNDER** subsection (1).

3 (9) A personal protection order is effective and immediately
4 enforceable anywhere in this state when signed by a judge. Upon
5 service, a personal protection order may also be enforced by
6 another state, an Indian tribe, or a territory of the United
7 States.

8 (10) The court shall designate the law enforcement agency that
9 is responsible for entering the personal protection order into the
10 law enforcement information network as provided by the ~~L.E.I.N.~~
11 **C.J.I.S.** policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to
12 ~~28.216~~ **28.215**.

13 (11) A personal protection order shall include all of the
14 following, and to the extent practicable the following shall be
15 contained in a single form:

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

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

25 (ii) If the respondent is less than 17 years of age, immediate
26 apprehension or being taken into custody, and subject to the
27 dispositional alternatives listed in section 18 of chapter XIIIA of

1 the probate code of 1939, 1939 PA 288, MCL 712A.18.

2 (iii) If the respondent violates the personal protection order
3 in a jurisdiction other than this state, the respondent is subject
4 to the enforcement procedures and penalties of the state, Indian
5 tribe, or United States territory under whose jurisdiction the
6 violation occurred.

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

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

13 (d) An expiration date stated clearly on the face of the
14 order.

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

17 (f) The law enforcement agency designated by the court to
18 enter the personal protection order into the law enforcement
19 information network.

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

26 (12) An ex parte personal protection order shall be issued and
27 effective without written or oral notice to the individual

1 restrained or enjoined or his or her attorney if it clearly appears
2 from specific facts shown by verified complaint, written motion, or
3 affidavit that immediate and irreparable injury, loss, or damage
4 will result from the delay required to effectuate notice or that
5 the notice will itself precipitate adverse action before a personal
6 protection order can be issued.

7 (13) A personal protection order issued under subsection (12)
8 is valid for not less than 182 days. The individual restrained or
9 enjoined may file a motion to modify or rescind the personal
10 protection order and request a hearing under the Michigan court
11 rules. The motion to modify or rescind the personal protection
12 order shall be filed within 14 days after the order is served or
13 after the individual restrained or enjoined has received actual
14 notice of the personal protection order unless good cause is shown
15 for filing the motion after the 14 days have elapsed.

16 (14) Except as otherwise provided in this subsection, the
17 court shall schedule a hearing on the motion to modify or rescind
18 the ex parte personal protection order within 14 days after the
19 filing of the motion to modify or rescind. If the respondent is a
20 person described in subsection (2) and the personal protection
21 order prohibits him or her from purchasing or possessing a firearm,
22 the court shall schedule a hearing on the motion to modify or
23 rescind the ex parte personal protection order within 5 days after
24 the filing of the motion to modify or rescind.

25 (15) The clerk of the court that issues a personal protection
26 order shall do all of the following immediately upon issuance and
27 without requiring a proof of service on the individual restrained

1 or enjoined:

2 (a) File a true copy of the personal protection order with the
3 law enforcement agency designated by the court in the personal
4 protection order.

5 (b) Provide the petitioner with not less than 2 true copies of
6 the personal protection order.

7 (c) If respondent is identified in the pleadings as a law
8 enforcement officer, notify the officer's employing law enforcement
9 agency, if known, about the existence of the personal protection
10 order.

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

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

18 (f) If the respondent is identified in the pleadings as being
19 a person who may have access to information concerning the
20 petitioner or a child of the petitioner or respondent and that
21 information is contained in friend of the court records, notify the
22 friend of the court for the county in which the information is
23 located about the existence of the personal protection order.

24 (16) The clerk of the court shall inform the petitioner that
25 he or she may take a true copy of the personal protection order to
26 the law enforcement agency designated by the court in subsection
27 (10) to be immediately entered into the law enforcement information

1 network.

2 (17) The law enforcement agency that receives a true copy of
3 the personal protection order under subsection (15) or (16) shall
4 immediately and without requiring proof of service enter the
5 personal protection order into the law enforcement information
6 network as provided by the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of~~
7 ~~1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~ **28.215**.

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

1 order. This subsection does not prohibit the immediate
2 effectiveness of a personal protection order or its immediate
3 enforcement under subsections (21) and (22).

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

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

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

11 (20) The law enforcement agency that receives information
12 under subsection (19) shall enter the information or cause the
13 information to be entered into the law enforcement information
14 network as provided by the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of~~
15 ~~1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~ **28.215. THE LAW ENFORCEMENT**
16 **AGENCY SHALL ALSO ENTER INFORMATION INTO THE MICHIGAN PERSONAL**
17 **PROTECTION ORDER INTERNET REGISTRY CREATED IN SECTION 2950N IN**
18 **ACCORDANCE WITH DIRECTIONS DEVELOPED UNDER SECTION 2950N.**

19 (21) Subject to subsection (22), a personal protection order
20 is immediately enforceable anywhere in this state by any law
21 enforcement agency that has received a true copy of the order, is
22 shown a copy of it, or has verified its existence on the law
23 enforcement information network as provided by the ~~L.E.I.N.-~~
24 ~~C.J.I.S.~~ policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to
25 ~~28.216~~ **28.215.**

26 (22) If the individual restrained or enjoined has not been
27 served, the law enforcement agency or officer responding to a call

1 alleging a violation of a personal protection order shall serve the
2 individual restrained or enjoined with a true copy of the order or
3 advise the individual restrained or enjoined about the existence of
4 the personal protection order, the specific conduct enjoined, the
5 penalties for violating the order, and where the individual
6 restrained or enjoined may obtain a copy of the order. The law
7 enforcement officer shall enforce the personal protection order and
8 immediately enter or cause to be entered into the law enforcement
9 information network that the individual restrained or enjoined has
10 actual notice of the personal protection order. The law enforcement
11 officer also shall file a proof of service or proof of oral notice
12 with the clerk of the court issuing the personal protection order.
13 If the individual restrained or enjoined has not received notice of
14 the personal protection order, the individual restrained or
15 enjoined shall be given an opportunity to comply with the personal
16 protection order before the law enforcement officer makes a
17 custodial arrest for violation of the personal protection order.
18 The failure to immediately comply with the personal protection
19 order ~~shall be~~ IS grounds for an immediate custodial arrest. This
20 subsection does not preclude an arrest under section 15 or 15a of
21 chapter IV of the code of criminal procedure, 1927 PA 175, MCL
22 764.15 and 764.15a, or a proceeding under section 14 of chapter
23 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

24 (23) An individual who is 17 years of age or more and who
25 refuses or fails to comply with a personal protection order under
26 this section is subject to the criminal contempt powers of the
27 court and, if found guilty, shall be imprisoned for not more than

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

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

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

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

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

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

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

26 (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

1 of a personal protection order under this section is subject to
2 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
3 to 712A.32.

4 (29) A personal protection order that is issued ~~prior to the~~
5 ~~effective date of the amendatory act that added this subsection~~
6 **BEFORE MARCH 1, 1999** is not invalid on the ground that it does not
7 comply with 1 or more of the requirements added by ~~this amendatory~~
8 ~~act—1998 PA 477.~~

9 (30) **IF THE PETITIONER FOR A PERSONAL PROTECTION ORDER UNDER**
10 **THIS SECTION IS A MINOR 12 YEARS OF AGE OR OLDER, THE PETITIONER**
11 **MAY PROCEED UNDER THIS SECTION WITHOUT A NEXT FRIEND.**

12 (31) ~~(30)~~—As used in this section:

13 (a) "Dating relationship" means frequent, intimate
14 associations primarily characterized by the expectation of
15 affectional involvement. This term does not include a casual
16 relationship or an ordinary fraternization between 2 individuals in
17 a business or social context.

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

22 (c) "Personal protection order" means an injunctive order
23 issued by the circuit court or the family division of circuit court
24 restraining or enjoining activity and individuals listed in
25 subsection (1).

26 Sec. 2950a. (1) Except as provided in subsections (28), (29),
27 ~~and~~—(31), **AND (32)**, by commencing an independent action to obtain

1 relief under this section, by joining a claim to an action, or by
2 filing a motion in an action in which the petitioner and the
3 individual to be restrained or enjoined are parties, an individual
4 may petition the family division of circuit court to enter a
5 personal protection order to restrain or enjoin an individual from
6 engaging in conduct that is prohibited under section 411h, 411i, or
7 411s of the Michigan penal code, 1931 PA 328, MCL 750.411h,
8 750.411i, and 750.411s. Relief under this subsection shall not be
9 granted unless the petition alleges facts that constitute stalking
10 as defined in section 411h or 411i, or conduct that is prohibited
11 under section 411s, of the Michigan penal code, 1931 PA 328, MCL
12 750.411h, 750.411i, and 750.411s. Relief may be sought and granted
13 under this subsection whether or not the individual to be
14 restrained or enjoined has been charged or convicted under section
15 411h, 411i, or 411s of the Michigan penal code, 1931 PA 328, MCL
16 750.411h, 750.411i, and 750.411s, for the alleged violation.

17 (2) Except as provided in subsections (28), (29), ~~and~~ (31),
18 **AND (32)**, by commencing an independent action to obtain relief
19 under this section, by joining a claim to an action, or by filing a
20 motion in an action in which the petitioner and the individual to
21 be restrained or enjoined are parties, an individual may petition
22 the family division of circuit court to enter a personal protection
23 order to restrain or enjoin an individual from engaging in any of
24 the following:

25 (a) One or more of the acts listed in subsection (3), if the
26 respondent has been convicted of a sexual assault of the
27 petitioner, or the respondent has been convicted of furnishing

1 obscene material to the petitioner under section 142 of the
2 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially
3 similar law of the United States, another state, or a foreign
4 country or tribal or military law. Relief under this subdivision
5 shall be granted if the court determines that the respondent has
6 been convicted of a sexual assault of the petitioner or that the
7 respondent was convicted of furnishing obscene material to the
8 petitioner under section 142 of the Michigan penal code, 1931 PA
9 328, MCL 750.142, or a substantially similar law of the United
10 States, another state, or a foreign country or tribal or military
11 law.

12 (b) One or more of the acts listed in subsection (3), if the
13 petitioner has been subjected to, threatened with, or placed in
14 reasonable apprehension of sexual assault by the individual to be
15 enjoined. Relief under this subdivision shall not be granted unless
16 the petition alleges facts that demonstrate that the respondent has
17 perpetrated or threatened sexual assault against the petitioner.
18 Evidence that a respondent has furnished obscene material to a
19 minor petitioner shall constitute evidence that the respondent has
20 threatened sexual assault against the petitioner. Relief may be
21 sought and granted under this subdivision regardless of whether the
22 individual to be restrained or enjoined has been charged with or
23 convicted of sexual assault or an offense under section 142 of the
24 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially
25 similar law of the United States, another state, or a foreign
26 country or tribal or military law.

27 (3) The court may restrain or enjoin an individual against

1 whom a protection order is sought under subsection (2) from 1 or
2 more of the following:

3 (a) Entering onto premises.

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

6 (c) Purchasing or possessing a firearm.

7 (d) Interfering with the petitioner's efforts to remove the
8 petitioner's children or personal property from premises that are
9 solely owned or leased by the individual to be restrained or
10 enjoined.

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

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

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

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

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

20 (j) Contacting the petitioner by telephone.

21 (k) Sending mail or electronic communications to the
22 petitioner.

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

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

27 (n) Any other specific act or conduct that imposes upon or

1 interferes with personal liberty or that causes a reasonable
2 apprehension of violence or sexual assault.

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

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

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

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

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

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

11 (8) A personal protection order shall not be made mutual.
12 Correlative separate personal protection orders are prohibited
13 unless both parties have properly petitioned the court under
14 subsection (1) or (2).

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

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

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

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

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

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

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

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

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

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

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

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

26 (f) The law enforcement agency designated by the court to
27 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 personal protection order shall not be issued
9 and effective without written or oral notice to the individual
10 enjoined or his or her attorney unless it clearly appears from
11 specific facts shown by verified complaint, written motion, or
12 affidavit that immediate and irreparable injury, loss, or damage
13 will result from the delay required to effectuate notice or that
14 the notice will precipitate adverse action before a personal
15 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 motion to modify or rescind the personal protection
21 order shall be filed within 14 days after the order is served or
22 after the individual restrained or enjoined receives actual notice
23 of the personal protection order unless good cause is shown for
24 filing the motion after 14 days have elapsed.

25 (14) Except as otherwise provided in this subsection, the
26 court shall schedule a hearing on the motion to modify or rescind
27 the 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 the individual's
23 county of residence of the existence and content of the personal
24 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. **THE LAW ENFORCEMENT AGENCY SHALL**
18 **ALSO ENTER INFORMATION INTO THE MICHIGAN PERSONAL PROTECTION ORDER**
19 **INTERNET REGISTRY CREATED IN SECTION 2950N IN ACCORDANCE WITH**
20 **DIRECTIONS DEVELOPED UNDER SECTION 2950N.**

21 (18) A personal protection order issued under this section
22 shall be served personally, by registered or certified mail, return
23 receipt requested, delivery restricted to the addressee at the last
24 known address or addresses of the individual restrained or enjoined
25 or by any other method allowed by the Michigan court rules. If the
26 individual restrained or enjoined has not been served, a law
27 enforcement officer or clerk of the court who knows that a personal

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

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

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

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

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

1 (21) Subject to subsection (22), a personal protection order
2 is immediately enforceable anywhere in this state by any law
3 enforcement agency that has received a true copy of the order, is
4 shown a copy of it, or has verified its existence on the L.E.I.N.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **(32) IF THE PETITIONER FOR A PERSONAL PROTECTION ORDER UNDER**
22 **THIS SECTION IS A MINOR 12 YEARS OF AGE OR OLDER, THE PETITIONER**
23 **MAY PROCEED UNDER THIS SECTION WITHOUT A NEXT FRIEND.**

24 (33) ~~(32)~~As used in this section:

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

26 (i) The subject of a judgment of conviction or a probation
27 order entered in a court that has jurisdiction over criminal

1 offenses, including a tribal court or a military court.

2 (ii) Assigned to youthful trainee status under sections 11 to
3 15 of chapter II of the code of criminal procedure, 1927 PA 175,
4 MCL 762.11 to 762.15, if the individual's status of youthful
5 trainee is revoked and an adjudication of guilt is entered.

6 (iii) The subject of an order of disposition entered under
7 section 18 of chapter XIIA of the probate code of 1939, 1939 PA
8 288, MCL 712A.18, that is open to the general public under section
9 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
10 712A.28.

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

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

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

20 (d) "Personal protection order" means an injunctive order
21 issued by the circuit court or the family division of circuit court
22 restraining or enjoining conduct prohibited under subsection (1) or
23 (3).

24 (e) "Prisoner" means a person subject to incarceration,
25 detention, or admission to a prison who is accused of, convicted
26 of, sentenced for, or adjudicated delinquent for violations of
27 federal, state, or local law or the terms and conditions of parole,

1 probation, pretrial release, or a diversionary program.

2 (f) "Sexual assault" means an act, attempted act, or
3 conspiracy to engage in an act of criminal conduct as defined in
4 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,
5 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and
6 750.520g, or an offense under a law of the United States, another
7 state, or a foreign country or tribal or military law that is
8 substantially similar to an offense listed in this subdivision.

9 SEC. 2950N. (1) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND
10 BUDGET SHALL ESTABLISH A WEBSITE ON THE INTERNET TO BE KNOWN AS THE
11 MICHIGAN PERSONAL PROTECTION ORDER INTERNET REGISTRY.

12 (2) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL
13 MAINTAIN THE WEBSITE ESTABLISHED UNDER THIS SECTION IN ACCORDANCE
14 WITH ALL OF THE FOLLOWING REQUIREMENTS:

15 (A) A LAW ENFORCEMENT AGENCY THAT HAS THE OBLIGATION UNDER
16 SECTION 2950 OR 2950A TO ENTER INFORMATION INTO THE WEBSITE SHALL
17 BE GIVEN THE ABILITY TO ACCESS THE WEBSITE TO ENTER THE
18 INFORMATION, OR TO TRANSMIT THE INFORMATION TO THE DEPARTMENT OF
19 TECHNOLOGY, MANAGEMENT, AND BUDGET OR A PERSON DESIGNATED BY THE
20 DEPARTMENT FOR ENTRY OF THE INFORMATION.

21 (B) THE DEPARTMENT OF TECHNOLOGY, MANAGEMENT, AND BUDGET SHALL
22 ISSUE DIRECTIONS TO EACH LAW ENFORCEMENT AGENCY IN THIS STATE WITH
23 INSTRUCTIONS ON ENTERING INFORMATION INTO THE WEBSITE. THE
24 DIRECTIONS SHALL INCLUDE THE INFORMATION TO BE ENTERED, WHICH SHALL
25 INCLUDE INFORMATION DETERMINED TO BE NECESSARY TO IDENTIFY THE
26 INDIVIDUAL RESTRAINED OR ENJOINED UNDER THE PERSONAL PROTECTION
27 ORDER.

1 (C) INFORMATION ON THE WEBSITE SHALL BE ACCESSIBLE FOR VIEWING
2 BY THE PUBLIC.

3 (D) INFORMATION ENTERED INTO THE WEBSITE SHALL BE MAINTAINED
4 ON THE WEBSITE FOR 10 YEARS AFTER ENTRY.