

**SUBSTITUTE FOR
SENATE BILL NO. 847**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 81 and 81a (MCL 750.81 and 750.81a), as
amended by 2001 PA 190.

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

1 relationship, an individual with whom he or she has had a child in
2 common, or a resident or former resident of his or her household,
3 is guilty of a misdemeanor punishable by imprisonment for not more
4 than 93 days or a fine of not more than \$500.00, or both.

5 (3) An individual who commits an assault or an assault and
6 battery in violation of subsection (2), and who has previously been
7 convicted of assaulting or assaulting and battering his or her
8 spouse or former spouse, an individual with whom he or she has or
9 has had a dating relationship, an individual with whom he or she
10 has had a child in common, or a resident or former resident of his
11 or her household, under any of the following, may be punished by
12 imprisonment for not more than 1 year or a fine of not more than
13 \$1,000.00, or both:

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

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

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

20 (4) An individual who commits an assault or an assault and
21 battery in violation of subsection (2), and who has 2 or more
22 previous convictions for assaulting or assaulting and battering his
23 or her spouse or former spouse, an individual with whom he or she
24 has or has had a dating relationship, an individual with whom he or
25 she has had a child in common, or a resident or former resident of
26 his or her household, under any of the following, is guilty of a
27 felony punishable by imprisonment for not more than ~~2~~5 years or a

1 fine of not more than ~~\$2,500.00~~ **\$5,000.00**, or both:

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

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

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

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

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

16 Sec. 81a. (1) Except as otherwise provided in this section, a
17 person who assaults an individual without a weapon and inflicts
18 serious or aggravated injury upon that individual without intending
19 to commit murder or to inflict great bodily harm less than murder
20 is guilty of a misdemeanor punishable by imprisonment for not more
21 than 1 year or a fine of not more than \$1,000.00, or both.

22 (2) Except as provided in subsection (3), an individual who
23 assaults his or her spouse or former spouse, an individual with
24 whom he or she has or has had a dating relationship, an individual
25 with whom he or she has had a child in common, or a resident or
26 former resident of the same household without a weapon and inflicts
27 serious or aggravated injury upon that individual without intending

1 to commit murder or to inflict great bodily harm less than murder
2 is guilty of a misdemeanor punishable by imprisonment for not more
3 than 1 year or a fine of not more than \$1,000.00, or both.

4 (3) An individual who commits an assault and battery in
5 violation of subsection (2), and who has 1 or more previous
6 convictions for assaulting or assaulting and battering his or her
7 spouse or former spouse, an individual with whom he or she has or
8 has had a dating relationship, an individual with whom he or she
9 has had a child in common, or a resident or former resident of the
10 same household, in violation of any of the following, is guilty of
11 a felony punishable by imprisonment for not more than ~~2~~5 years or
12 a fine of not more than ~~\$2,500.00~~, **\$5,000.00**, or both:

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

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

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

19 (4) As used in this section, "dating relationship" means
20 frequent, intimate associations primarily characterized by the
21 expectation of affectional involvement. This term does not include
22 a casual relationship or an ordinary fraternization between 2
23 individuals in a business or social context.

24 Enacting section 1. This amendatory acct takes effect July 1,
25 2012.