

HOUSE BILL No. 5547

February 20, 1992, Introduced by Reps. Baade, Gire, Wallace, Perry Bullard, Sikkema, Harder, Stallworth, DeMars, Dobb, Dolan, Joe Young, Jr., Brackenridge, Fitzgerald, Pitoniak, Weeks, Byrum, Olshove, Anthony, Yokich, Clarke, Palamara, Gubow, Profit, Murphy, Knight, Martin, Bennane, Kosteva and Berman and referred to the Committee on Judiciary.

A bill to amend section 15b of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
as amended by Act No. 230 of the Public Acts of 1983, being section 764.15b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15b of chapter IV of Act No. 175 of the
2 Public Acts of 1927, as amended by Act No. 230 of the Public Acts
3 of 1983, being section 764.15b of the Michigan Compiled Laws, is
4 amended to read as follows:

5 CHAPTER IV

6 Sec. 15b. (1) A peace officer, without a warrant, may
7 arrest and take into custody a person when the peace officer has
8 reasonable cause to believe that all of the following exist:

1 (a) ~~One of the following~~ AN injunctive ~~orders~~ ORDER THAT
2 IS EITHER OF THE FOLLOWING:

3 (i) ~~An injunctive order issued~~ ISSUED pursuant to
4 section 14 of chapter 84 of the Revised Statutes of 1846, as
5 amended, being section 552.14 of the Michigan Compiled Laws.

6 (ii) ~~An injunctive order issued~~ ISSUED by the circuit
7 court as authorized by law and stating on its face the period of
8 time for which the order is valid and specifically restraining or
9 enjoining a spouse, a former spouse, or a person residing or
10 having resided in the same household as the victim from entering
11 onto premises, from assaulting, beating, molesting, or wounding a
12 named person, or from removing minor children from the person
13 having legal custody of the children.

14 (b) A true copy and proof of service of the order has been
15 filed with the law enforcement agency having jurisdiction of the
16 area in which the moving party resides.

17 (c) The person named in the order has received notice of the
18 injunctive order.

19 (d) The person named in the order is ~~acting in violation~~
20 ~~of~~ VIOLATING the order. A person is ~~in violation of~~ VIOLATING
21 the order if that person commits 1 or more of the following acts
22 ~~specifically enumerated in~~ the order ~~to restrain~~ SPECIFICALLY
23 RESTRAINS or ~~enjoin~~ ENJOINS the person from COMMITTING:

24 (i) Assaulting, beating, molesting, or wounding a named
25 person.

1 (ii) Removing minor children from a person having legal
2 custody of the children, in violation of custody and visitation
3 orders as issued by the court.

4 (iii) Entering onto premises.

5 (e) The order states on its face that a violation of its
6 terms subjects the person to criminal contempt of court and, if
7 found guilty, the person shall be imprisoned for not more than 90
8 days and may be fined not more than \$500.00.

9 (2) A person arrested pursuant to this section shall be
10 brought before the circuit court having jurisdiction in the cause
11 within 24 hours after arrest to answer to a charge of contempt
12 for violation of the injunctive order, at which time the court
13 shall do each of the following:

14 (a) Set a time certain for a hearing on the alleged viola-
15 tion of the injunctive order within 72 hours after arrest, unless
16 extended by the court on the motion of the arrested person.

17 (b) Set a reasonable bond pending a hearing of the alleged
18 violation of the injunctive order.

19 (c) Notify the party who has procured the injunctive order
20 and direct the party to appear at the hearing and give evidence
21 on the charge of contempt.

22 (3) In circuits where the circuit court judge may not be
23 present or available within 24 hours after arrest, a person
24 arrested pursuant to this section shall be taken before the dis-
25 trict court within 24 hours after arrest, at which time the dis-
26 trict court shall order the defendant to appear before the

1 circuit court of the county for a hearing on the charge. The
2 district court shall set bond for the person.

3 (4) The circuit court for each county of this state ~~shall~~
4 ~~have~~ HAS jurisdiction to conduct contempt proceedings based upon
5 a violation of an injunctive order ~~as provided in~~ UNDER this
6 section ~~, which~~ THAT is issued by the circuit court in any
7 county of this state. The court of arraignment shall notify the
8 circuit court which issued the injunctive order that the issuing
9 court may request that the defendant be returned to that county
10 for violating the injunctive order. If the circuit court ~~which~~
11 THAT issued the injunctive order requests that the defendant be
12 returned to that county to stand trial, ~~then~~ the requesting
13 county shall bear the cost of transporting the defendant to that
14 county.

15 (5) THE PROSECUTING ATTORNEY SHALL PROSECUTE A CRIMINAL CON-
16 TEMPT PROCEEDING INITIATED PURSUANT TO THIS SECTION.

17 (6) ~~-(5)-~~ Upon receipt of a true copy and proof of service
18 of an injunctive order issued pursuant to this section, the law
19 enforcement agency shall enter the order into the law enforcement
20 information network as provided by the L.E.I.N. policy council
21 act of 1974, Act No. 163 of the Public Acts of 1974, being sec-
22 tions 28.211 to 28.216 of the Michigan Compiled Laws.