



**House
Legislative
Analysis
Section**

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FELONY FOR REPEAT ABUSE

House Bill 4325
Sponsor: Rep. Tracey Yokich
Committee: Judiciary

Complete to 4-15-93

A SUMMARY OF HOUSE BILL 4325 AS INTRODUCED 2-23-93

The bill would amend the Michigan Penal Code distinguish between assaults where there was an element of domestic violence and assaults where there was no spousal relationship between the offender and the victim. It would establish felony penalties for repeat domestic assault offenses, and make a first-offense simple assault that was a domestic assault punishable by up to 93 days in jail, rather than 90 days (this change to 93 days would cause statutory fingerprinting and criminal reporting requirements to apply). Prosecutors seeking enhanced sentences under the bill would have to note that intent on the charging document; the defendant's prior conviction(s) and his or her relationship to the victim would be established at sentencing by a preponderance of the evidence. Further details follow.

Simple and aggravated assault--nondomestic. Penalties for simple and aggravated assault where domestic violence was not involved would remain unchanged. Simple assault is a misdemeanor punishable by up to 90 days in jail and a fine of up to \$100. Aggravated assault is a misdemeanor punishable by up to one year in jail and a fine of up to \$500.

Simple assault-domestic. A first-offense assault against a current or former spouse or household member would be a misdemeanor punishable by up to 93 days in jail, and/or a maximum fine of \$100. A simple domestic assault where there was a previous conviction for assaulting a spouse or household member would be punishable by imprisonment of up to one year, and a fine of up to \$500. If the person had two or more prior convictions, the offense would be a felony punishable by imprisonment for up to two years and a fine of up to \$1,000.

Aggravated assault-domestic. A first-offense aggravated assault against a current or former spouse or household member would be a misdemeanor punishable by up to one year in jail and a fine of up to \$500. If the person had two or more previous convictions for assaulting a spouse or household member, the offense would be a felony punishable by imprisonment for up to two years and a fine of up to \$1,000.

MCL 750.81 and 750.81a

House Bill 4325 (4-15-93)