

Act No. 64
Public Acts of 1994
Approved by the Governor
April 10, 1994
Filed with the Secretary of State
April 11, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Emmons

ENROLLED SENATE BILL No. 326

AN ACT to amend section 81 of Act No. 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act being section 750 81 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 81 of Act No. 328 of the Public Acts of 1931 being section 750 81 of the Michigan Compiled Laws is amended to read as follows

Sec 81 (1) A person who assaults or assaults and batters an individual if no other punishment is prescribed by law is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500 00 or both

(2) Except as provided in subsection (3) or (4) an individual who assaults or assaults and batters his or her spouse or former spouse an individual with whom he or she has had a child in common or a resident or former resident of his or her household is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500 00 or both

(3) An individual who assaults or assaults and batters his or her spouse or former spouse an individual with whom he or she has had a child in common or a resident or former resident of his or her household in violation of subsection (2) and who has previously been convicted of assaulting or assaulting and battering his or her spouse or former spouse an individual with whom he or she has had a child in common or a resident or former resident of his or her household in violation of this section or a local ordinance substantially corresponding to this section or in violation of section 81a 82 83 84 or 86 may be punished by imprisonment for not more than 1 year or a fine of not more than \$1 000 00 or both

(4) An individual who assaults or assaults and batters his or her spouse or former spouse an individual with whom he or she has had a child in common or a resident or former resident of his or her household in violation of subsection (2) and who has 2 or more previous convictions for assaulting or assaulting and battering his or her spouse or former spouse an individual with whom he or she has had a child in common or a resident or former resident of his or her household in violation of this section or a local ordinance substantially corresponding to this section or in violation of section 81a 82 83 84 or 86 is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$2 500 00 or both

Section 2 This amendatory act shall take effect July 1 1994

Section 3 This amendatory act shall not take effect unless House Bill No 4325 of the 87th Legislature is enacted into law

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor