



HOUSE BILL No. 4357

February 24, 1993, Introduced by Reps. Fitzgerald, Stille, Johnson, Berman, Dolan, London, Gubow, Gire, Dobb, McBryde, DeMars, Leland, Bullard and Hammerstrom and referred to the Committee on Judiciary.

A bill to amend section 14 of chapter 84 of the Revised Statutes of 1846, entitled "Of divorce,"

as amended by Act No. 229 of the Public Acts of 1983, being section 552.14 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 14 of chapter 84 of the Revised Statutes
2 of 1846, as amended by Act No. 229 of the Public Acts of 1983,
3 being section 552.14 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 14. (1) After the filing of a complaint in an action
6 to annul a marriage or for a divorce or separate maintenance, the
7 court may, at any time on the motion of a party, prohibit the

1 other party from imposing any restraint on the former's personal
2 liberty during the pendency of the action.

3 (2) A preliminary injunctive order issued under subsection
4 (1) shall state on its face the period of time for which the
5 order is valid and shall specifically restrain or enjoin the
6 other party from doing 1 or more of the following:

7 (a) Entering onto premises.

8 (b) Assaulting, beating, molesting, or wounding a named
9 person.

10 (C) THREATENING TO KILL OR PHYSICALLY INJURE A NAMED PERSON.

11 (D) ~~(c)~~ Removing minor children from a spouse having legal
12 custody of the children, in violation of custody and visitation
13 orders as issued by the court.

14 (3) On the motion of a party, before entry of a judgment of
15 divorce or separate maintenance or decree of annulment, regard-
16 less of whether a preliminary injunctive order has been issued
17 under subsection (1), the court may enter, at the same time as a
18 judgment of divorce or separate maintenance or decree of annul-
19 ment is granted, an injunctive order ~~which~~ THAT states on its
20 face the period of time for which the order is valid and ~~which~~
21 THAT specifically restrains or enjoins the other party from doing
22 1 or more of the following:

23 (a) Entering onto premises.

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

26 (C) THREATENING TO KILL OR PHYSICALLY INJURE A NAMED PERSON.

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

4 (4) The clerk of the court ~~which~~ THAT issues an order
5 under subsection (1) or (3) shall file a true copy of the order
6 with the law enforcement agency having jurisdiction of the area
7 in which the moving party resides.

8 (5) A person who refuses or fails to comply with an order
9 issued pursuant to subsection (1) or (3) is subject to the con-
10 tempt powers of the court and, if found guilty, shall be impris-
11 oned for not more than 90 days and may be fined not more than
12 \$500.00.

13 (6) An order issued pursuant to subsection (1) or (3) ~~which~~
14 ~~complies with~~ THAT MEETS the requirements of section 15b of
15 chapter IV of the code of criminal procedure, Act No. 175 of the
16 Public Acts of 1927, being section 764.15b of the Michigan
17 Compiled Laws, ~~shall~~ IS also ~~be~~ enforceable under that
18 section.

19 Section 2. This amendatory act shall not take effect unless
20 Senate Bill No. _____ or House Bill No. 4362 (request
21 no. 01941'93*) of the 87th Legislature is enacted into law.