



HOUSE BILL No. 5805

September 14 1994 Introduced by Reps Jersevic Vorva McBryde Horton Crissman Voorhees Martin Gernaat McManus Stille Fitzgerald Hill Middleton Kukuk Hammerstrom Gustafson Whyman Brackenridge, Bodem Dalman McNutt Dolan LeTarte Weeks Walberg Shugars Nye Bullard Galloway, Cropsey Jaye, Clack Dobb, Gustafson and Munsell and referred to the Committee on Judiciary

A bill to amend sections 1910 and 2950b of Act No 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," section 2950b as added by Act No 61 of the Public Acts of 1994 being sections 600 1910 and 600 2950b of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 1910 and 2950b of Act No 236 of the
2 Public Acts of 1961, section 2950b as added by Act No 61 of the
3 Public Acts of 1994 being sections 600 1910 and 600 2950b of the
4 Michigan Compiled Laws, are amended to read as follows

5 Sec 1910 (1) Proof of service shall be made by 1 of the
6 following methods

1 (a) Written acknowledgment of receipt of a summons and a
2 copy of the complaint dated and signed by the person authorized
3 under this act to receive them

4 (b) A certificate, stating the facts of service if service
5 is made within the state of Michigan by

6 (1) A sheriff

7 (11) A deputy sheriff, medical examiner, bailiff, constable,
8 or a deputy of these officers if the officers held office in a
9 county in which the court issuing the process is held

10 (c) An affidavit, stating the facts of service, if service
11 is made by any other person, and indicating his OR HER official
12 capacity, if any

13 ~~(2) A copy of proof of service of an order issued under~~
14 ~~section 14 of chapter 84 of the Revised Statutes of 1846, as~~
15 ~~amended, being section 552 14 of the Michigan Compiled Laws,~~
16 ~~shall be filed with the law enforcement agency having jurisdic-~~
17 ~~tion of the area in which the moving party resides~~

18 (2) ~~(3)~~ Failure to make proof of service does not affect
19 the validity of the service

20 Sec 2950b (1) Before ~~October 1, 1994~~ JANUARY 1 1996,
21 the state court administrative office shall develop and make
22 available forms for use by an individual who wishes to proceed
23 without an attorney The forms shall include at least petitions
24 for relief and proof of service FOR PERSONAL PROTECTION ORDERS
25 under sections 2950 and 2950a ~~and under section 14 of chapter~~
26 ~~84 of the Revised Statutes of 1846, being section 552 14 of the~~
27 ~~Michigan Compiled Laws~~ Instructions for the forms shall be

1 written in plain English and shall include an explanation of the
2 proper method of service and filing of the proof of service

3 (2) THE STANDARD PERSONAL PROTECTION ORDER FORMS, AT A MINI-
4 MUM, SHALL CONTAIN ALL OF THE FOLLOWING

5 (A) A STATEMENT THAT THE PERSONAL PROTECTION ORDER IS ISSUED
6 UNDER SECTION 2950 OR 2950A

7 (B) A SPACE, TO BE FILLED IN BY THE COURT, IN WHICH TO INDI-
8 CATE THE LAW ENFORCEMENT AGENCIES TO BE NOTIFIED OF THE PERSONAL
9 PROTECTION ORDER

10 (C) A STATEMENT THAT VIOLATION OF THE PERSONAL PROTECTION
11 ORDER WILL SUBJECT THE INDIVIDUAL TO BE RESTRAINED OR ENJOINED TO
12 IMMEDIATE ARREST, TO THE CRIMINAL CONTEMPT POWERS OF THE COURT,
13 AND, IF THE INDIVIDUAL IS FOUND GUILTY, TO IMPRISONMENT FOR NOT
14 MORE THAN 93 DAYS, A FINE OF NOT MORE THAN \$500 00 OR BOTH

15 (D) A STATEMENT THAT THE PERSONAL PROTECTION ORDER IS VALID
16 FOR 182 DAYS OR UNTIL FURTHER ORDER OF THE COURT

17 (E) THE FOLLOWING STATEMENT IN BOLDFACED TYPE

18 "A PERSONAL PROTECTION ORDER IS EFFECTIVE WHEN SIGNED BY THE
19 JUDGE A LAW ENFORCEMENT AGENCY SHALL ENFORCE IT IMMEDIATELY
20 UPON RECEIPT IT IS ENFORCEABLE ANYWHERE IN MICHIGAN BY ANY LAW
21 ENFORCEMENT AGENCY THAT HAS RECEIVED A TRUE COPY OF THE PERSONAL
22 PROTECTION ORDER IS SHOWN A COPY OF THE ORDER, OR HAS VERIFIED
23 THE ORDER'S EXISTENCE ON THE LAW ENFORCEMENT INFORMATION NETWORK
24 AS PROVIDED BY THE L E I N POLICY COUNCIL ACT OF 1974, ACT
25 NO 163 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS 28 211 TO
26 28 216 OF THE MICHIGAN COMPILED LAWS IF THE INDIVIDUAL TO BE
27 RESTRAINED OR ENJOINED HAS NOT BEEN SERVED THE LAW ENFORCEMENT

1 AGENCY SHALL SERVE THE INDIVIDUAL TO BE RESTRAINED OR ENJOINED
2 WITH A COPY OF THE ORDER OR ADVISE THE INDIVIDUAL TO BE
3 RESTRAINED OR ENJOINED OF THE EXISTENCE OF THE PERSONAL PROTEC-
4 TION ORDER, THE PENALTIES FOR VIOLATING THE PERSONAL PROTECTION
5 ORDER, AND WHERE THE INDIVIDUAL TO BE RESTRAINED OR ENJOINED MAY
6 OBTAIN A COPY OF THE PERSONAL PROTECTION ORDER THE LAW ENFORCE-
7 MENT AGENCY SHALL ENFORCE THE PERSONAL PROTECTION ORDER AND SHALL
8 ENTER INTO THE LAW ENFORCEMENT INFORMATION NETWORK THAT THE INDI-
9 VIDUAL TO BE RESTRAINED OR ENJOINED HAS ACTUAL NOTICE OF THE
10 ORDER BEFORE THE LAW ENFORCEMENT OFFICER MAKES A CUSTODIAL
11 ARREST, THE INDIVIDUAL TO BE RESTRAINED OR ENJOINED SHALL BE
12 GIVEN AN OPPORTUNITY TO COMPLY WITH THE PERSONAL PROTECTION
13 ORDER THE FAILURE TO IMMEDIATELY COMPLY WITH THE PERSONAL PRO-
14 TECTION ORDER SHALL BE GROUNDS FOR IMMEDIATE CUSTODIAL ARREST

15 (F) FOR INJUNCTIONS ISSUED WITHOUT NOTICE, A STATEMENT THAT
16 THE INDIVIDUAL TO BE RESTRAINED OR ENJOINED MAY FILE A WRITTEN
17 OBJECTION OR A MOTION TO MODIFY OR RESCIND THE PERSONAL PROTEC-
18 TION ORDER AND REQUEST A HEARING PURSUANT TO THE MICHIGAN COURT
19 RULES

20 (G) FOR INJUNCTIONS ISSUED WITHOUT NOTICE, A STATEMENT THAT
21 ALL PROCEEDINGS AFTER THE WRITTEN OBJECTION OR MOTION HAS BEEN
22 FILED SHALL BE CONDUCTED IN ACCORD WITH THE MICHIGAN COURT
23 RULES

24 (3) THE STATE COURT ADMINISTRATIVE OFFICE SHALL DEVELOP AND
25 MAKE AVAILABLE STANDARDIZED FORMS FOR USE BY INDIVIDUALS TO BE
26 RESTRAINED OR ENJOINED WITHOUT NOTICE TO MOVE TO MODIFY OR TO
27 RESCIND A PERSONAL PROTECTION ORDER AND REQUEST A HEARING

1 (4) ~~-(2)-~~ The court shall provide the forms prepared under
2 this section without charge Upon request the court shall pro-
3 vide assistance, but not legal assistance to an individual in
4 completing those forms and the ~~-injunctive-~~ PERSONAL PROTECTION
5 order if the court issues such an order, and shall instruct the
6 individual regarding the requirements for proper service of the
7 order

8 Section 2 This amendatory act shall take effect January 1,
9 1995