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INCREASE DOMESTIC VIOLENCE PENALTIES

House Bills 4173 and 4174
Sponsor: Rep. Tom Meyer
Committee: Criminal Justice

Complete to 4-29-03

A SUMMARY OF HOUSE BILLS 4173 AND 4174 AS INTRODUCED 2-11-03

The bills would amend the Michigan Penal Code to increase the penalties for a domestic assault conviction and would amend the Code of Criminal Procedure to revise the corresponding sentencing guidelines provisions to reflect the increased penalties. Specifically, the bills would do the following:

House Bill 4173 would amend the Michigan Penal Code (MCL 750.81) to increase the penalties for a person convicted of assaulting or assaulting and battering his or her spouse or former spouse, an individual with whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household. The penalties would be as follows:

- First offense: The maximum term of imprisonment would increase from 93 days to one year. The maximum fine that could be imposed would still be \$500 and the offense would remain a misdemeanor.
- Second offense: A second offense would be a Class G felony instead of a misdemeanor, punishable by imprisonment for not more than two years (increased from one year), a fine of not more than \$1,500 (increased from \$1,000), or both.
- Third or subsequent offense: The maximum term of imprisonment for this felony offense would increase from two to four years. The maximum fine that could be imposed would remain at \$2,500.

House Bill 4174 would amend the Code of Criminal Procedure (MCL 777.16d) to specify that a domestic assault with a prior conviction would be a Class G felony against a person, with a two-year maximum sentence of imprisonment. A domestic assault with two or more prior convictions would be a Class F (instead of a Class G) felony with a maximum term of imprisonment of four years (increased from two years).

The bill is tie-barred to House Bill 4173.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.