

# HOUSE BILL No. 4173

February 11, 2003, Introduced by Reps. Meyer, Taub, Tabor, Vander Veen and Brandenburg and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 81 (MCL 750.81), as amended by 2001 PA 190.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 81. (1) Except as otherwise provided in this section,  
2 a person who assaults or assaults and batters an individual, if  
3 no other punishment is prescribed by law, is guilty of a  
4 misdemeanor punishable by imprisonment for not more than 93 days  
5 or a fine of not more than \$500.00, or both.

6       (2) Except as provided in subsection (3) or (4), an  
7 individual who assaults or assaults and batters his or her spouse  
8 or former spouse, an individual with whom he or she has or has  
9 had a dating relationship, an individual with whom he or she has  
10 had a child in common, or a resident or former resident of his or  
11 her household, is guilty of a misdemeanor punishable by

1 imprisonment for not more than ~~93 days~~ **1 year** or a fine of not  
2 more than \$500.00, or both.

3 (3) An individual who commits an assault or an assault and  
4 battery in violation of subsection (2), and who has previously  
5 been convicted of assaulting or assaulting and battering his or  
6 her spouse or former spouse, an individual with whom he or she  
7 has or has had a dating relationship, an individual with whom he  
8 or she has had a child in common, or a resident or former  
9 resident of his or her household, under any of the following,  
10 ~~may be punished~~ **is guilty of a felony punishable** by  
11 imprisonment for not more than ~~1 year~~ **2 years** or a fine of not  
12 more than ~~\$1,000.00~~ **\$1,500.00**, or both:

13 (a) This section or an ordinance of a political subdivision  
14 of this state substantially corresponding to this section.

15 (b) Section 81a, 82, 83, 84, or 86.

16 (c) A law of another state or an ordinance of a political  
17 subdivision of another state substantially corresponding to this  
18 section or section 81a, 82, 83, 84, or 86.

19 (4) An individual who commits an assault or an assault and  
20 battery in violation of subsection (2), and who has 2 or more  
21 previous convictions for assaulting or assaulting and battering  
22 his or her spouse or former spouse, an individual with whom he or  
23 she has or has had a dating relationship, an individual with whom  
24 he or she has had a child in common, or a resident or former  
25 resident of his or her household, under any of the following, is  
26 guilty of a felony punishable by imprisonment for not more than  
27 ~~2~~ **4 years** or a fine of not more than \$2,500.00, or both:

1 (a) This section or an ordinance of a political subdivision  
2 of this state substantially corresponding to this section.

3 (b) Section 81a, 82, 83, 84, or 86.

4 (c) A law of another state or an ordinance of a political  
5 subdivision of another state substantially corresponding to this  
6 section or section 81a, 82, 83, 84, or 86.

7 (5) This section does not apply to an individual using  
8 necessary reasonable physical force in compliance with  
9 section 1312 of the revised school code, 1976 PA 451,  
10 MCL 380.1312.

11 (6) As used in this section, "dating relationship" means  
12 frequent, intimate associations primarily characterized by the  
13 expectation of affectional involvement. This term does not  
14 include a casual relationship or an ordinary fraternization  
15 between 2 individuals in a business or social context.