

House Bill 4713

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending sections 81 and 81a (MCL 750.81 and 750.81a), section  
81 as amended by 1994 PA 64 and section 81a as amended by 1994 PA  
65.

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

1       Sec. 81. (1) A person who assaults or assaults and batters  
2 an individual, if no other punishment is prescribed by law, is  
3 guilty of a misdemeanor punishable by imprisonment for not more  
4 than 90 days or a fine of not more than \$500.00, or both.

5       (2) Except as provided in subsection (3) or (4), an individ-  
6 ual who assaults or assaults and batters his or her spouse or  
7 former spouse, an individual with whom he or she has had a child  
8 in common, or a resident or former resident of ~~his or her~~ THE  
9 SAME household —, is guilty of a misdemeanor punishable by

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

3       (3) An individual who assaults or assaults and batters his  
4 or her spouse or former spouse, an individual with whom he or she  
5 has had a child in common, or a resident or former resident of  
6 ~~his or her~~ THE SAME household, in violation of subsection (2),  
7 and who has previously been convicted of assaulting or assaulting  
8 and battering his or her spouse or former spouse, an individual  
9 with whom he or she has had a child in common, or a resident or  
10 former resident of ~~his or her~~ THE SAME household, in violation  
11 of this section or a local ordinance substantially corresponding  
12 to this section ~~—~~ or in violation of section 81a, 82, 83, 84,  
13 or 86, may be punished by imprisonment for not more than 1 year  
14 or a fine of not more than \$1,000.00, or both.

15       (4) An individual who assaults or assaults and batters his  
16 or her spouse or former spouse, an individual with whom he or she  
17 has had a child in common, or a resident or former resident of  
18 ~~his or her~~ THE SAME household, in violation of subsection (2),  
19 and who has 2 or more previous convictions for assaulting or  
20 assaulting and battering his or her spouse or former spouse, an  
21 individual with whom he or she has had a child in common, or a  
22 resident or former resident of ~~his or her~~ THE SAME household,  
23 in violation of this section or a local ordinance substantially  
24 corresponding to this section ~~—~~ or in violation of section 81a,  
25 82, 83, 84, or 86, is guilty of a felony punishable by imprison-  
26 ment for not more than 2 years or a fine of not more than  
27 \$2,500.00, or both.

**HB4713, As Passed House, October 14, 1999**

H.B. 4713 as amended October 13, 1999

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1           Sec. 81a. (1) A person who assaults an individual without a  
2 weapon and inflicts serious or aggravated injury upon that indi-  
3 vidual without intending to commit murder or to inflict great  
4 bodily harm less than murder is guilty of a misdemeanor punish-  
5 able by imprisonment for not more than 1 year or a fine of not  
6 more than \$1,000.00, or both.

7           (2) Except as provided in subsection (3), an individual who  
8 assaults his or her spouse or former spouse, an individual with  
9 whom he or she has had a child in common, or a resident or former  
10 resident of ~~his or her~~ THE SAME household ~~,~~ without a weapon  
11 and inflicts serious or aggravated injury upon that individual  
12 without intending to commit murder or to inflict great bodily  
13 harm less than murder is guilty of a misdemeanor punishable by  
14 imprisonment for not more than 1 year or a fine of not more than  
15 \$1,000.00, or both.

16           (3) An individual who assaults his or her spouse or former  
17 spouse, an individual with whom he or she has had a child in  
18 common, or a resident or former resident of ~~his or her~~ THE SAME  
19 household, in violation of subsection (2), and who has 1 or more  
20 previous convictions for assaulting or assaulting and battering  
21 his or her spouse or former spouse, an individual with whom he or  
22 she has had a child in common, or a resident or former resident  
23 of ~~his or her~~ THE SAME household, in violation of this section  
24 or section 81, 82, 83, 84, or 86 or a local ordinance substan-  
25 tially corresponding to section 81, is guilty of a felony punish-  
26 able by imprisonment for not more than 2 years or a fine of not  
27 more than \$2,500.00, or both.

[Enacting section 1. This amendatory act takes effect July 1,  
2000.]

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