

**SUBSTITUTE FOR
SENATE BILL NO. 868**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 2950 and 2950a (MCL 600.2950 and 600.2950a),
section 2950 as amended by 2016 PA 94 and section 2950a as amended
by 2010 PA 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2950. (1) Except as provided in subsections (27) and
2 (28), by commencing an independent action to obtain relief under
3 this section, by joining a claim to an action, or by filing a
4 motion in an action in which the petitioner and the individual to
5 be restrained or enjoined are parties, an individual may petition
6 the family division of circuit court to enter a personal protection
7 order to restrain or enjoin a spouse, a former spouse, an
8 individual with whom he or she has had a child in common, an
9 individual with whom he or she has or has had a dating

1 relationship, or an individual residing or having resided in the
2 same household as the petitioner from doing 1 or more of the
3 following:

4 (a) Entering onto premises.

5 (b) Assaulting, attacking, beating, molesting, or wounding a
6 named individual.

7 (c) Threatening to kill or physically injure a named
8 individual.

9 (d) Removing minor children from the individual having legal
10 custody of the children, except as otherwise authorized by a
11 custody or parenting time order issued by a court of competent
12 jurisdiction.

13 (e) Purchasing or possessing a firearm.

14 (f) Interfering with petitioner's efforts to remove
15 petitioner's children or personal property from premises that are
16 solely owned or leased by the individual to be restrained or
17 enjoined.

18 (g) Interfering with petitioner at petitioner's place of
19 employment or education or engaging in conduct that impairs
20 petitioner's employment or educational relationship or environment.

21 (h) Having access to information in records concerning a minor
22 child of both petitioner and respondent that will inform respondent
23 about the address or telephone number of petitioner and
24 petitioner's minor child or about petitioner's employment address.

25 (i) Engaging in conduct that is prohibited under section 411h
26 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
27 750.411i.

1 (j) Any of the following with the intent to cause the
2 petitioner mental distress or to exert control over the petitioner
3 with respect to an animal in which the petitioner has an ownership
4 interest:

5 (i) Injuring, killing, torturing, neglecting, or threatening
6 to injure, kill, torture, or neglect the animal. A restraining
7 order that enjoins conduct under this subparagraph does not
8 prohibit the lawful killing or other use of the animal as described
9 in section 50(11) of the Michigan penal code, 1931 PA 328, MCL
10 750.50.

11 (ii) Removing the animal from the petitioner's possession.

12 (iii) Retaining or obtaining possession of the animal.

13 (k) Any other specific act or conduct that imposes upon or
14 interferes with personal liberty or that causes a reasonable
15 apprehension of violence.

16 (2) If the respondent is a person who is issued a license to
17 carry a concealed weapon and is required to carry a weapon as a
18 condition of his or her employment, a police officer **LICENSED OR**
19 certified by the **MICHIGAN** commission on law enforcement standards
20 act, 1965 PA 203, MCL 28.601 to ~~28.616~~, **28.615**, a sheriff, a deputy
21 sheriff or a member of the Michigan department of state police, a
22 local corrections officer, department of corrections employee, or a
23 federal law enforcement officer who carries a firearm during the
24 normal course of his or her employment, the petitioner shall notify
25 the court of the respondent's occupation prior to the issuance of
26 the personal protection order. This subsection does not apply to a
27 petitioner who does not know the respondent's occupation.

1 (3) A petitioner may omit his or her address of residence from
2 documents filed with the court under this section. If a petitioner
3 omits his or her address of residence, the petitioner shall provide
4 the court with a mailing address.

5 (4) The court shall issue a personal protection order under
6 this section if the court determines that there is reasonable cause
7 to believe that the individual to be restrained or enjoined may
8 commit 1 or more of the acts listed in subsection (1). In
9 determining whether reasonable cause exists, the court shall
10 consider all of the following:

11 (a) Testimony, documents, or other evidence offered in support
12 of the request for a personal protection order.

13 (b) Whether the individual to be restrained or enjoined has
14 previously committed or threatened to commit 1 or more of the acts
15 listed in subsection (1).

16 (5) A court shall not issue a personal protection order that
17 restrains or enjoins conduct described in subsection (1)(a) if all
18 of the following apply:

19 (a) The individual to be restrained or enjoined is not the
20 spouse of the moving party.

21 (b) The individual to be restrained or enjoined or the parent,
22 guardian, or custodian of the minor to be restrained or enjoined
23 has a property interest in the premises.

24 (c) The moving party or the parent, guardian, or custodian of
25 a minor petitioner has no property interest in the premises.

26 (6) A court shall not refuse to issue a personal protection
27 order solely due to the absence of any of the following:

1 (a) A police report.

2 (b) A medical report.

3 (c) A report or finding of an administrative agency.

4 (d) Physical signs of abuse or violence.

5 (7) If the court refuses to grant a personal protection order,
6 it shall state immediately in writing the specific reasons it
7 refused to issue a personal protection order. If a hearing is held,
8 the court shall also immediately state on the record the specific
9 reasons it refuses to issue a personal protection order.

10 (8) A personal protection order may not be made mutual.
11 Correlative separate personal protection orders are prohibited
12 unless both parties have properly petitioned the court under
13 subsection (1).

14 (9) A personal protection order is effective and immediately
15 enforceable anywhere in this state when signed by a judge. Upon
16 service, a personal protection order may also be enforced by
17 another state, an Indian tribe, or a territory of the United
18 States.

19 (10) The court shall designate the law enforcement agency that
20 is responsible for entering the personal protection order into the
21 law enforcement information network as provided by the C.J.I.S.
22 policy council act, 1974 PA 163, MCL 28.211 to 28.215.

23 (11) A personal protection order must include all of the
24 following, and to the extent practicable the following shall be
25 contained in a single form:

26 (a) A statement that the personal protection order has been
27 entered to restrain or enjoin conduct listed in the order and that

1 violation of the personal protection order will subject the
2 individual restrained or enjoined to 1 or more of the following:

3 (i) If the respondent is 17 years of age or more, immediate
4 arrest and the civil and criminal contempt powers of the court, and
5 that if he or she is found guilty of criminal contempt, he or she
6 shall be imprisoned for not more than 93 days and may be fined not
7 more than \$500.00.

8 (ii) If the respondent is less than 17 years of age, immediate
9 apprehension or being taken into custody, and subject to the
10 dispositional alternatives listed in section 18 of chapter XIIA of
11 the probate code of 1939, 1939 PA 288, MCL 712A.18.

12 (iii) If the respondent violates the personal protection order
13 in a jurisdiction other than this state, the respondent is subject
14 to the enforcement procedures and penalties of the state, Indian
15 tribe, or United States territory under whose jurisdiction the
16 violation occurred.

17 (b) A statement that the personal protection order is
18 effective and immediately enforceable anywhere in this state when
19 signed by a judge, and that, upon service, a personal protection
20 order also may be enforced by another state, an Indian tribe, or a
21 territory of the United States.

22 (c) A statement listing the type or types of conduct enjoined.

23 (d) An expiration date stated clearly on the face of the
24 order.

25 (e) A statement that the personal protection order is
26 enforceable anywhere in Michigan by any law enforcement agency.

27 (f) The law enforcement agency designated by the court to

1 enter the personal protection order into the law enforcement
2 information network.

3 (g) For ex parte orders, a statement that the individual
4 restrained or enjoined may file a motion to modify or rescind the
5 personal protection order and request a hearing within 14 days
6 after the individual restrained or enjoined has been served or has
7 received actual notice of the order and that motion forms and
8 filing instructions are available from the clerk of the court.

9 (12) A court shall issue an ex parte personal protection order
10 without written or oral notice to the individual restrained or
11 enjoined or his or her attorney if it clearly appears from specific
12 facts shown by verified complaint, written motion, or affidavit
13 that immediate and irreparable injury, loss, or damage will result
14 from the delay required to effectuate notice or that the notice
15 will itself precipitate adverse action before a personal protection
16 order can be issued.

17 (13) A personal protection order issued under subsection (12)
18 is valid for not less than 182 days. The individual restrained or
19 enjoined may file a motion to modify or rescind the personal
20 protection order and request a hearing under the Michigan court
21 rules. The motion to modify or rescind the personal protection
22 order must be filed within 14 days after the order is served or
23 after the individual restrained or enjoined has received actual
24 notice of the personal protection order unless good cause is shown
25 for filing the motion after the 14 days have elapsed.

26 (14) Except as otherwise provided in this subsection, the
27 court shall schedule a hearing on the motion to modify or rescind

1 the ex parte personal protection order within 14 days after the
2 filing of the motion to modify or rescind. If the respondent is a
3 person described in subsection (2) and the personal protection
4 order prohibits him or her from purchasing or possessing a firearm,
5 the court shall schedule a hearing on the motion to modify or
6 rescind the ex parte personal protection order within 5 days after
7 the filing of the motion to modify or rescind.

8 (15) The clerk of the court that issues a personal protection
9 order shall do all of the following immediately upon issuance and
10 without requiring a proof of service on the individual restrained
11 or enjoined:

12 (a) File a true copy of the personal protection order with the
13 law enforcement agency designated by the court in the personal
14 protection order.

15 (b) Provide the petitioner with 2 or more true copies of the
16 personal protection order.

17 (c) If respondent is identified in the pleadings as a law
18 enforcement officer, notify the officer's employing law enforcement
19 agency, if known, about the existence of the personal protection
20 order.

21 (d) If the personal protection order prohibits respondent from
22 purchasing or possessing a firearm, notify the concealed weapon
23 licensing board in respondent's county of residence about the
24 existence and contents of the personal protection order.

25 (e) If the respondent is identified in the pleadings as a
26 department of corrections employee, notify the state department of
27 corrections about the existence of the personal protection order.

1 (f) If the respondent is identified in the pleadings as being
2 a person who may have access to information concerning the
3 petitioner or a child of the petitioner or respondent and that
4 information is contained in friend of the court records, notify the
5 friend of the court for the county in which the information is
6 located about the existence of the personal protection order.

7 (16) The clerk of the court shall inform the petitioner that
8 he or she may take a true copy of the personal protection order to
9 the law enforcement agency designated by the court under subsection
10 (10) to be immediately entered into the law enforcement information
11 network.

12 (17) The law enforcement agency that receives a true copy of
13 the personal protection order under subsection (15) or (16) shall
14 immediately and without requiring proof of service enter the
15 personal protection order into the law enforcement information
16 network as provided by the C.J.I.S. policy council act, 1974 PA
17 163, MCL 28.211 to 28.215.

18 (18) A personal protection order issued under this section
19 must be served personally or by registered or certified mail,
20 return receipt requested, delivery restricted to the addressee at
21 the last known address or addresses of the individual restrained or
22 enjoined or by any other manner provided in the Michigan court
23 rules. If the individual restrained or enjoined has not been
24 served, a law enforcement officer or clerk of the court who knows
25 that a personal protection order exists may, at any time, serve the
26 individual restrained or enjoined with a true copy of the order or
27 advise the individual restrained or enjoined about the existence of

1 the personal protection order, the specific conduct enjoined, the
2 penalties for violating the order, and where the individual
3 restrained or enjoined may obtain a copy of the order. If the
4 respondent is less than 18 years of age, the parent, guardian, or
5 custodian of that individual must also be served personally or by
6 registered or certified mail, return receipt requested, delivery
7 restricted to the addressee at the last known address or addresses
8 of the parent, guardian, or custodian of the individual restrained
9 or enjoined. A proof of service or proof of oral notice must be
10 filed with the clerk of the court issuing the personal protection
11 order. This subsection does not prohibit the immediate
12 effectiveness of a personal protection order or its immediate
13 enforcement under subsections (21) and (22).

14 (19) The clerk of the court shall immediately notify the law
15 enforcement agency that received the personal protection order
16 under subsection (15) or (16) if either of the following occurs:

17 (a) The clerk of the court has received proof that the
18 individual restrained or enjoined has been served.

19 (b) The personal protection order is rescinded, modified, or
20 extended by court order.

21 (20) The law enforcement agency that receives information
22 under subsection (19) shall enter the information or cause the
23 information to be entered into the law enforcement information
24 network as provided by the C.J.I.S. policy council act, 1974 PA
25 163, MCL 28.211 to 28.215.

26 (21) Subject to subsection (22), a personal protection order
27 is immediately enforceable anywhere in this state by any law

1 enforcement agency that has received a true copy of the order, is
2 shown a copy of it, or has verified its existence on the law
3 enforcement information network as provided by the C.J.I.S. policy
4 council act, 1974 PA 163, MCL 28.211 to 28.215.

5 (22) If the individual restrained or enjoined has not been
6 served, the law enforcement agency or officer responding to a call
7 alleging a violation of a personal protection order shall serve the
8 individual restrained or enjoined with a true copy of the order or
9 advise the individual restrained or enjoined about the existence of
10 the personal protection order, the specific conduct enjoined, the
11 penalties for violating the order, and where the individual
12 restrained or enjoined may obtain a copy of the order. The law
13 enforcement officer shall enforce the personal protection order and
14 immediately enter or cause to be entered into the law enforcement
15 information network that the individual restrained or enjoined has
16 actual notice of the personal protection order. The law enforcement
17 officer also shall file a proof of service or proof of oral notice
18 with the clerk of the court issuing the personal protection order.
19 If the individual restrained or enjoined has not received notice of
20 the personal protection order, the individual restrained or
21 enjoined shall be given an opportunity to comply with the personal
22 protection order before the law enforcement officer makes a
23 custodial arrest for violation of the personal protection order.
24 The failure to immediately comply with the personal protection
25 order is grounds for an immediate custodial arrest. This subsection
26 does not preclude an arrest under section 15 or 15a of chapter IV
27 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and

1 764.15a, or a proceeding under section 14 of chapter XIIA of the
2 probate code of 1939, 1939 PA 288, MCL 712A.14.

3 (23) An individual who is 17 years of age or more and who
4 refuses or fails to comply with a personal protection order under
5 this section is subject to the criminal contempt powers of the
6 court and, if found guilty, shall be imprisoned for not more than
7 93 days and may be fined not more than \$500.00. An individual who
8 is less than 17 years of age and who refuses or fails to comply
9 with a personal protection order issued under this section is
10 subject to the dispositional alternatives listed in section 18 of
11 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.
12 The criminal penalty provided for under this section may be imposed
13 in addition to a penalty that may be imposed for another criminal
14 offense arising from the same conduct.

15 (24) An individual who knowingly and intentionally makes a
16 false statement to the court in support of his or her petition for
17 a personal protection order is subject to the contempt powers of
18 the court.

19 (25) A personal protection order issued under this section is
20 also enforceable under chapter XIIA of the probate code of 1939,
21 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV
22 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

23 (26) A personal protection order issued under this section is
24 also enforceable under chapter 17.

25 (27) A court shall not issue a personal protection order that
26 restrains or enjoins conduct described in subsection (1) if any of
27 the following apply:

1 (a) The respondent is the unemancipated minor child of the
2 petitioner.

3 (b) The petitioner is the unemancipated minor child of the
4 respondent.

5 (c) The respondent is a minor child less than 10 years of age.

6 (28) If the respondent is less than 18 years of age, issuance
7 of a personal protection order under this section is subject to
8 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
9 to 712A.32.

10 (29) A personal protection order that is issued before March
11 1, 1999 is not invalid on the ground that it does not comply with 1
12 or more of the requirements added by 1998 PA 477.

13 (30) For purposes of subsection (1)(j), a petitioner has an
14 ownership interest in an animal if 1 or more of the following are
15 applicable:

16 (a) The petitioner has a right of property in the animal.

17 (b) The petitioner keeps or harbors the animal.

18 (c) The animal is in the petitioner's care.

19 (d) The petitioner permits the animal to remain on or about
20 premises occupied by the petitioner.

21 (31) As used in this section:

22 (a) "Dating relationship" means frequent, intimate
23 associations primarily characterized by the expectation of
24 affectional involvement. Dating relationship does not include a
25 casual relationship or an ordinary fraternization between 2
26 individuals in a business or social context.

27 (b) "Federal law enforcement officer" means an officer or

1 agent employed by a law enforcement agency of the United States
2 government whose primary responsibility is the enforcement of laws
3 of the United States.

4 (c) "Neglect" means that term as defined in section 50 of the
5 Michigan penal code, 1931 PA 328, MCL 750.50.

6 (d) "Personal protection order" means an injunctive order
7 issued by the circuit court or the family division of circuit court
8 restraining or enjoining activity and individuals listed in
9 subsection (1).

10 Sec. 2950a. (1) Except as provided in subsections (28), (29),
11 and (31), by commencing an independent action to obtain relief
12 under this section, by joining a claim to an action, or by filing a
13 motion in an action in which the petitioner and the individual to
14 be restrained or enjoined are parties, an individual may petition
15 the family division of circuit court to enter a personal protection
16 order to restrain or enjoin an individual from engaging in conduct
17 that is prohibited under section 411h, 411i, or 411s of the
18 Michigan penal code, 1931 PA 328, MCL 750.411h, 750.411i, and
19 750.411s. Relief under this subsection shall not be granted unless
20 the petition alleges facts that constitute stalking as defined in
21 section 411h or 411i, or conduct that is prohibited under section
22 411s, of the Michigan penal code, 1931 PA 328, MCL 750.411h,
23 750.411i, and 750.411s. Relief may be sought and granted under this
24 subsection whether or not the individual to be restrained or
25 enjoined has been charged or convicted under section 411h, 411i, or
26 411s of the Michigan penal code, 1931 PA 328, MCL 750.411h,
27 750.411i, and 750.411s, for the alleged violation.

1 (2) Except as provided in subsections (28), (29), and (31), by
2 commencing an independent action to obtain relief under this
3 section, by joining a claim to an action, or by filing a motion in
4 an action in which the petitioner and the individual to be
5 restrained or enjoined are parties, an individual may petition the
6 family division of circuit court to enter a personal protection
7 order to restrain or enjoin an individual from engaging in any of
8 the following:

9 (a) One or more of the acts listed in subsection (3), if the
10 respondent has been convicted of a sexual assault of the
11 petitioner, or the respondent has been convicted of furnishing
12 obscene material to the petitioner under section 142 of the
13 Michigan penal code, 1931 PA 328, MCL 750.142, or a substantially
14 similar law of the United States, another state, or a foreign
15 country or tribal or military law. Relief under this subdivision
16 shall be granted if the court determines that the respondent has
17 been convicted of a sexual assault of the petitioner or that the
18 respondent was convicted of furnishing obscene material to the
19 petitioner under section 142 of the Michigan penal code, 1931 PA
20 328, MCL 750.142, or a substantially similar law of the United
21 States, another state, or a foreign country or tribal or military
22 law.

23 (b) One or more of the acts listed in subsection (3), if the
24 petitioner has been subjected to, threatened with, or placed in
25 reasonable apprehension of sexual assault by the individual to be
26 enjoined. Relief under this subdivision shall not be granted unless
27 the petition alleges facts that demonstrate that the respondent has

1 perpetrated or threatened sexual assault against the petitioner.
2 Evidence that a respondent has furnished obscene material to a
3 minor petitioner ~~shall constitute~~ **CONSTITUTES** evidence that the
4 respondent has threatened sexual assault against the petitioner.
5 Relief may be sought and granted under this subdivision regardless
6 of whether the individual to be restrained or enjoined has been
7 charged with or convicted of sexual assault or an offense under
8 section 142 of the Michigan penal code, 1931 PA 328, MCL 750.142,
9 or a substantially similar law of the United States, another state,
10 or a foreign country or tribal or military law.

11 (3) The court may restrain or enjoin an individual against
12 whom a protection order is sought under subsection (2) from 1 or
13 more of the following:

14 (a) Entering onto premises.

15 (b) Threatening to sexually assault, kill, or physically
16 injure petitioner or a named individual.

17 (c) Purchasing or possessing a firearm.

18 (d) Interfering with the petitioner's efforts to remove the
19 petitioner's children or personal property from premises that are
20 solely owned or leased by the individual to be restrained or
21 enjoined.

22 (e) Interfering with the petitioner at the petitioner's place
23 of employment or education or engaging in conduct that impairs the
24 petitioner's employment or educational relationship or environment.

25 (f) Following or appearing within the sight of the petitioner.

26 (g) Approaching or confronting the petitioner in a public
27 place or on private property.

1 (h) Appearing at the petitioner's workplace or residence.

2 (i) Entering onto or remaining on property owned, leased, or
3 occupied by the petitioner.

4 (j) Contacting the petitioner by telephone.

5 (k) Sending mail or electronic communications to the
6 petitioner.

7 (l) Placing an object on, or delivering an object to, property
8 owned, leased, or occupied by the petitioner.

9 (m) Engaging in conduct that is prohibited under section 411s
10 of the Michigan penal code, 1931 PA 328, MCL 750.411s.

11 (n) Any other specific act or conduct that imposes upon or
12 interferes with personal liberty or that causes a reasonable
13 apprehension of violence or sexual assault.

14 (4) Section 520j of the Michigan penal code, 1931 PA 328, MCL
15 750.520j, applies in any hearing on a petition for, a motion to
16 modify or terminate, or an alleged violation of a personal
17 protection order requested or issued under subsection (2), except
18 as follows:

19 (a) The written motion and offer of proof shall be filed at
20 least 24 hours before a hearing on a petition to issue a personal
21 protection order or on an alleged violation of a personal
22 protection order.

23 (b) The written motion and offer of proof shall be filed at
24 the same time that a motion to modify or terminate a personal
25 protection order is filed.

26 (5) If the respondent to a petition under this section is a
27 person who is issued a license to carry a concealed weapon and is

1 required to carry a weapon as a condition of his or her employment,
2 a police officer **LICENSED OR** certified by the **MICHIGAN** commission
3 on law enforcement standards act, 1965 PA 203, MCL 28.601 to
4 ~~28.616,~~**28.615**, a sheriff, a deputy sheriff or a member of the
5 Michigan department of state police, a local corrections officer, a
6 department of corrections employee, or a federal law enforcement
7 officer who carries a firearm during the normal course of his or
8 her employment, the petitioner shall notify the court of the
9 respondent's occupation before the personal protection order is
10 issued. This subsection does not apply to a petitioner who does not
11 know the respondent's occupation.

12 (6) A petitioner may omit his or her address of residence from
13 documents filed with the court under this section. If a petitioner
14 omits his or her address of residence, the petitioner shall provide
15 the court a mailing address.

16 (7) If a court issues or refuses to issue a personal
17 protection order, the court shall immediately state in writing the
18 specific reasons for issuing or refusing to issue the personal
19 protection order. If a hearing is held, the court shall also
20 immediately state on the record the specific reasons for issuing or
21 refusing to issue a personal protection order.

22 (8) A personal protection order shall not be made mutual.
23 Correlative separate personal protection orders are prohibited
24 unless both parties have properly petitioned the court under
25 subsection (1) or (2).

26 (9) A personal protection order is effective and immediately
27 enforceable anywhere in this state when signed by a judge. Upon

1 service, a personal protection order also may be enforced by
2 another state, an Indian tribe, or a territory of the United
3 States.

4 (10) The court shall designate the law enforcement agency that
5 is responsible for entering the personal protection order into the
6 L.E.I.N.

7 (11) A personal protection order issued under this section
8 shall include all of the following, to the extent practicable in a
9 single form:

10 (a) A statement that the personal protection order has been
11 entered to enjoin or restrain conduct listed in the order and that
12 violation of the personal protection order will subject the
13 individual restrained or enjoined to 1 or more of the following:

14 (i) If the respondent is 17 years of age or older, immediate
15 arrest and the civil and criminal contempt powers of the court. If
16 the respondent is found guilty of criminal contempt, he or she
17 shall be imprisoned for not more than 93 days and may be fined not
18 more than \$500.00.

19 (ii) If the respondent is less than 17 years of age, immediate
20 apprehension or being taken into custody and the dispositional
21 alternatives listed in section 18 of chapter XIIIA of the probate
22 code of 1939, 1939 PA 288, MCL 712A.18.

23 (iii) If the respondent violates the personal protection order
24 in a jurisdiction other than this state, the enforcement procedures
25 and penalties of the state, Indian tribe, or United States
26 territory under whose jurisdiction the violation occurred.

27 (b) A statement that the personal protection order is

1 effective and immediately enforceable anywhere in this state when
2 signed by a judge, and that upon service, a personal protection
3 order also may be enforced by another state, an Indian tribe, or a
4 territory of the United States.

5 (c) A statement listing each type of conduct enjoined.

6 (d) An expiration date stated clearly on the face of the
7 order.

8 (e) A statement that the personal protection order is
9 enforceable anywhere in Michigan by any law enforcement agency.

10 (f) The law enforcement agency designated by the court to
11 enter the personal protection order into the L.E.I.N.

12 (g) For an ex parte order, a statement that the individual
13 restrained or enjoined may file a motion to modify or rescind the
14 personal protection order and request a hearing within 14 days
15 after the individual restrained or enjoined is served or receives
16 actual notice of the personal protection order and that motion
17 forms and filing instructions are available from the clerk of the
18 court.

19 (12) An ex parte personal protection order shall not be issued
20 and effective without written or oral notice to the individual
21 enjoined or his or her attorney unless it clearly appears from
22 specific facts shown by verified complaint, written motion, or
23 affidavit that immediate and irreparable injury, loss, or damage
24 will result from the delay required to effectuate notice or that
25 the notice will precipitate adverse action before a personal
26 protection order can be issued.

27 (13) A personal protection order issued under subsection (12)

1 is valid for not less than 182 days. The individual restrained or
2 enjoined may file a motion to modify or rescind the personal
3 protection order and request a hearing under the Michigan court
4 rules. The motion to modify or rescind the personal protection
5 order shall be filed within 14 days after the order is served or
6 after the individual restrained or enjoined receives actual notice
7 of the personal protection order unless good cause is shown for
8 filing the motion after 14 days have elapsed.

9 (14) Except as otherwise provided in this subsection, the
10 court shall schedule a hearing on the motion to modify or rescind
11 the ex parte personal protection order within 14 days after the
12 motion to modify or rescind is filed. If the respondent is a person
13 described in subsection (5) and the personal protection order
14 prohibits him or her from purchasing or possessing a firearm, the
15 court shall schedule a hearing on the motion to modify or rescind
16 the ex parte personal protection order within 5 days after the
17 motion to modify or rescind is filed.

18 (15) The clerk of the court that issues a personal protection
19 order shall do all of the following immediately upon issuance
20 without requiring proof of service on the individual restrained or
21 enjoined:

22 (a) File a true copy of the personal protection order with the
23 law enforcement agency designated by the court in the personal
24 protection order.

25 (b) Provide the petitioner with 2 or more true copies of the
26 personal protection order.

27 (c) If the individual restrained or enjoined is identified in

1 the pleadings as a law enforcement officer, notify the officer's
2 employing law enforcement agency of the existence of the personal
3 protection order.

4 (d) If the personal protection order prohibits the individual
5 restrained or enjoined from purchasing or possessing a firearm,
6 notify the concealed weapon licensing board in the individual's
7 county of residence of the existence and content of the personal
8 protection order.

9 (e) If the individual restrained or enjoined is identified in
10 the pleadings as a department of corrections employee, notify the
11 department of corrections of the existence of the personal
12 protection order.

13 (f) If the individual restrained or enjoined is identified in
14 the pleadings as a person who may have access to information
15 concerning the petitioner or a child of the petitioner or
16 individual and that information is contained in friend of the court
17 records, notify the friend of the court for the county in which the
18 information is located of the existence of the personal protection
19 order.

20 (16) The clerk of a court that issues a personal protection
21 order shall inform the petitioner that he or she may take a true
22 copy of the personal protection order to the law enforcement agency
23 designated by the court under subsection (10) to be immediately
24 entered into the L.E.I.N.

25 (17) The law enforcement agency that receives a true copy of a
26 personal protection order under subsection (15) or (16) shall
27 immediately, without requiring proof of service, enter the personal

1 protection order into the L.E.I.N.

2 (18) A personal protection order issued under this section
3 shall be served personally, by registered or certified mail, return
4 receipt requested, delivery restricted to the addressee at the last
5 known address or addresses of the individual restrained or enjoined
6 or by any other method allowed by the Michigan court rules. If the
7 individual restrained or enjoined has not been served, a law
8 enforcement officer or clerk of the court who knows that a personal
9 protection order exists may, at any time, serve the individual
10 restrained or enjoined with a true copy of the order or advise the
11 individual restrained or enjoined of the existence of the personal
12 protection order, the specific conduct enjoined, the penalties for
13 violating the order, and where the individual restrained or
14 enjoined may obtain a copy of the order. If the individual
15 restrained or enjoined is less than 18 years of age, the parent,
16 guardian, or custodian of the individual shall also be served
17 personally or by registered or certified mail, return receipt
18 requested, delivery restricted to the addressee at the last known
19 address or addresses of the parent, guardian, or custodian. A proof
20 of service or proof of oral notice shall be filed with the clerk of
21 the court issuing the personal protection order. This subsection
22 does not prohibit the immediate effectiveness of a personal
23 protection order or immediate enforcement under subsection (21) or
24 (22) .

25 (19) The clerk of the court that issued a personal protection
26 order shall immediately notify the law enforcement agency that
27 received the personal protection order under subsection (15) or

1 (16) if either or both of the following occur:

2 (a) The clerk of the court receives proof that the individual
3 restrained or enjoined has been served.

4 (b) The personal protection order is rescinded, modified, or
5 extended by court order.

6 (20) The law enforcement agency that receives information
7 under subsection (19) shall enter the information or cause the
8 information to be entered into the L.E.I.N.

9 (21) Subject to subsection (22), a personal protection order
10 is immediately enforceable anywhere in this state by any law
11 enforcement agency that has received a true copy of the order, is
12 shown a copy of it, or has verified its existence on the L.E.I.N.

13 (22) If the individual restrained or enjoined by a personal
14 protection order has not been served, a law enforcement agency or
15 officer responding to a call alleging a violation of the personal
16 protection order shall serve the individual restrained or enjoined
17 with a true copy of the order or advise the individual restrained
18 or enjoined of the existence of the personal protection order, the
19 specific conduct enjoined, the penalties for violating the order,
20 and where the individual restrained or enjoined may obtain a copy
21 of the order. The law enforcement officer shall enforce the
22 personal protection order and immediately enter or cause to be
23 entered into the L.E.I.N. that the individual restrained or
24 enjoined has actual notice of the personal protection order. The
25 law enforcement officer also shall file a proof of service or proof
26 of oral notice with the clerk of the court that issued the personal
27 protection order. If the individual restrained or enjoined has not

1 received notice of the personal protection order, the individual
2 restrained or enjoined shall be given an opportunity to comply with
3 the personal protection order before the law enforcement officer
4 makes a custodial arrest for violation of the personal protection
5 order. Failure to immediately comply with the personal protection
6 order is grounds for an immediate custodial arrest. This subsection
7 does not preclude an arrest under section 15 or 15a of chapter IV
8 of the code of criminal procedure, 1927 PA 175, MCL 764.15 and
9 764.15a, or a proceeding under section 14 of chapter XIIIA of the
10 probate code of 1939, 1939 PA 288, MCL 712A.14.

11 (23) An individual 17 years of age or older who refuses or
12 fails to comply with a personal protection order issued under this
13 section is subject to the criminal contempt powers of the court
14 and, if found guilty of criminal contempt, shall be imprisoned for
15 not more than 93 days and may be fined not more than \$500.00. An
16 individual less than 17 years of age who refuses or fails to comply
17 with a personal protection order issued under this section is
18 subject to the dispositional alternatives listed in section 18 of
19 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18.
20 The criminal penalty under this section may be imposed in addition
21 to any penalty that may be imposed for any other criminal offense
22 arising from the same conduct.

23 (24) An individual who knowingly and intentionally makes a
24 false statement to a court in support of his or her petition for a
25 personal protection order is subject to the contempt powers of the
26 court.

27 (25) A personal protection order issued under this section is

1 also enforceable under chapter XIIIA of the probate code of 1939,
2 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV
3 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

4 (26) A personal protection order issued under this section may
5 enjoin or restrain an individual from purchasing or possessing a
6 firearm.

7 (27) A personal protection order issued under this section is
8 also enforceable under chapter 17.

9 (28) A court shall not issue a personal protection order that
10 restrains or enjoins conduct described in subsection (1) or (3) if
11 any of the following apply:

12 (a) The respondent is the unemancipated minor child of the
13 petitioner.

14 (b) The petitioner is the unemancipated minor child of the
15 respondent.

16 (c) The respondent is a minor child less than 10 years of age.

17 (29) If the respondent is less than 18 years old, issuance of
18 a personal protection order under this section is subject to
19 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
20 to 712A.32.

21 (30) A personal protection order issued before March 1, 1999
22 is not invalid on the ground that it does not comply with 1 or more
23 of the requirements added by 1998 PA 476.

24 (31) A court shall not issue a personal protection order under
25 this section if the petitioner is a prisoner. If a personal
26 protection order is issued in violation of this subsection, a court
27 shall rescind the personal protection order upon notification and

1 verification that the petitioner is a prisoner.

2 (32) As used in this section:

3 (a) "Convicted" means 1 of the following:

4 (i) The subject of a judgment of conviction or a probation
5 order entered in a court that has jurisdiction over criminal
6 offenses, including a tribal court or a military court.

7 (ii) Assigned to youthful trainee status under sections 11 to
8 15 of chapter II of the code of criminal procedure, 1927 PA 175,
9 MCL 762.11 to 762.15, if the individual's status of youthful
10 trainee is revoked and an adjudication of guilt is entered.

11 (iii) The subject of an order of disposition entered under
12 section 18 of chapter XIIA of the probate code of 1939, 1939 PA
13 288, MCL 712A.18, that is open to the general public under section
14 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
15 712A.28.

16 (iv) The subject of an order of disposition or other
17 adjudication in a juvenile matter in another state or country.

18 (b) "Federal law enforcement officer" means an officer or
19 agent employed by a law enforcement agency of the United States
20 government whose primary responsibility is the enforcement of laws
21 of the United States.

22 (c) "L.E.I.N." means the law enforcement information network
23 administered under the C.J.I.S. policy council act, 1974 PA 163,
24 MCL 28.211 to 28.215.

25 (d) "Personal protection order" means an injunctive order
26 issued by the circuit court or the family division of circuit court
27 restraining or enjoining conduct prohibited under subsection (1) or

1 (3).

2 (e) "Prisoner" means a person subject to incarceration,
3 detention, or admission to a prison who is accused of, convicted
4 of, sentenced for, or adjudicated delinquent for violations of
5 federal, state, or local law or the terms and conditions of parole,
6 probation, pretrial release, or a diversionary program.

7 (f) "Sexual assault" means an act, attempted act, or
8 conspiracy to engage in an act of criminal conduct as defined in
9 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,
10 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and
11 750.520g, or an offense under a law of the United States, another
12 state, or a foreign country or tribal or military law that is
13 substantially similar to an offense listed in this subdivision.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No. 92 or House Bill No.____ (request no.
18 00913'15 *) of the 98th Legislature is enacted into law.