



# HOUSE BILL No. 5797

May 16, 2000, Introduced by Reps. DeHart, Schermesser, Bovin, Schauer, Quarles, Jacobs and Richner and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 81 and 411a (MCL 750.81 and 750.411a), section 81 as amended by 1994 PA 64 and section 411a as amended by 1996 PA 303.

**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  
9 household, is guilty of a misdemeanor punishable by imprisonment

1 for not more than 93 days or a fine of not more than \$500.00, or  
2 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 household, in violation of subsection (2), and who has  
7 previously been convicted of assaulting or assaulting and batter-  
8 ing his or her spouse or former spouse, an individual with whom  
9 he or she has had a child in common, or a resident or former res-  
10 ident of his or her household, in violation of this section or a  
11 local ordinance substantially corresponding to this section, or  
12 in violation of section 81a, 82, 83, 84, or 86, may be punished  
13 by imprisonment for not more than 1 year or a fine of not more  
14 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 household, in violation of subsection (2), and who has  
19 2 or more previous convictions for assaulting or assaulting and  
20 battering his or her spouse or former spouse, an individual with  
21 whom he or she has had a child in common, or a resident or former  
22 resident of his or her household, in violation of this section or  
23 a local ordinance substantially corresponding to this section, or  
24 in violation of section 81a, 82, 83, 84, or 86, is guilty of a  
25 felony punishable by imprisonment for not more than 2 years or a  
26 fine of not more than \$2,500.00, or both.

1 (5) IN ADDITION TO THE PENALTIES PRESCRIBED UNDER THIS  
2 SECTION, THE COURT MAY REQUIRE A PERSON CONVICTED UNDER THIS  
3 SECTION TO PAY THE MEDICAL EXPENSES, INCLUDING A PHYSICAL EXAMI-  
4 NATION PERFORMED FOR EVIDENTIARY PURPOSES, INCURRED BY THE VICTIM  
5 OF THE ASSAULT OR ASSAULT AND BATTERY.

6 Sec. 411a. (1) Except as provided in ~~subsection~~  
7 SUBSECTIONS (2) AND (3), a person who intentionally makes a false  
8 report of the commission of a crime to a member of the Michigan  
9 state police, a sheriff or deputy sheriff, a police officer of a  
10 city or village, or any other peace officer of this state knowing  
11 the report is false is guilty of a crime as follows:

12 (a) If the report is a false report of a misdemeanor, the  
13 person is guilty of a misdemeanor punishable by imprisonment for  
14 not more than 93 days or a fine of not more than \$100.00, or  
15 both.

16 (b) If the report is a false report of a felony, the person  
17 is guilty of a felony punishable by the lesser of the following:

18 (i) The penalty for the felony falsely reported.

19 (ii) Imprisonment for not more than 4 years or a fine of not  
20 more than \$2,000.00, or both.

21 (2) If the false report of a crime relates to a bombing,  
22 attempted bombing, or threat to bomb and the report is intention-  
23 ally communicated to an individual described in subsection (1) or  
24 to any other person knowing the report is false, the person  
25 making the false report is guilty of a crime punishable by the  
26 lesser of the following:

1 (a) The penalty for the bombing, attempted bombing, or  
2 threat to bomb falsely reported.

3 (b) Imprisonment for not more than 4 years or a fine of not  
4 more than \$2,000.00, or both.

5 (3) IF THE FALSE REPORT RELATES TO AN ASSAULT OR AN ASSAULT  
6 AND BATTERY UNDER SECTION 81(2) OR (3), THE PERSON SHALL BE  
7 ORDERED BY THE COURT TO REIMBURSE THE PERSON FALSELY ACCUSED THE  
8 COST OF DEFENDING AGAINST THE FALSE ACCUSATION.