

**SUBSTITUTE FOR  
HOUSE BILL NO. 5272**

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 2000 PA 462 and section 81a as amended by 1999  
PA 270.

**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 OR HAS HAD A  
8 DATING RELATIONSHIP, AN INDIVIDUAL with whom he or she has had a  
9 child in common, or a resident or former resident of his or her

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1 household, is guilty of a misdemeanor punishable by imprisonment  
2 for not more than 93 days or a fine of not more than \$500.00, or  
3 both.

4       (3) An individual who assaults or assaults and batters his  
5 or her spouse or former spouse, an individual WITH WHOM HE OR SHE  
6 HAS OR HAS HAD A DATING RELATIONSHIP, AN INDIVIDUAL with whom he  
7 or she has had a child in common, or a resident or former resi-  
8 dent of his or her household, in violation of subsection (2), and  
9 who has previously been convicted of assaulting or assaulting and  
10 battering his or her spouse or former spouse, an individual WITH  
11 WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP, AN  
12 INDIVIDUAL with whom he or she has had a child in common, or a  
13 resident or former resident of his or her household, in violation  
14 of this section or a local ordinance substantially corresponding  
15 to this section, or in violation of section 81a, 82, 83, 84, or  
16 86, may be punished by imprisonment for not more than 1 year or a  
17 fine of not more than \$1,000.00, or both.

18       (4) An individual who assaults or assaults and batters his  
19 or her spouse or former spouse, an individual WITH WHOM HE OR SHE  
20 HAS OR HAS HAD A DATING RELATIONSHIP, AN INDIVIDUAL with whom he  
21 or she has had a child in common, or a resident or former resi-  
22 dent of his or her household, in violation of subsection (2), and  
23 who has 2 or more previous convictions for assaulting or assault-  
24 ing and battering his or her spouse or former spouse, an individ-  
25 ual WITH WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP, AN  
26 INDIVIDUAL with whom he or she has had a child in common, or a  
27 resident or former resident of his or her household, in violation

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1 of this section or a local ordinance substantially corresponding  
2 to this section, or in violation of section 81a, 82, 83, 84, or  
3 86, is guilty of a felony punishable by imprisonment for not more  
4 than 2 years or a fine of not more than \$2,500.00, or both.

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

8 (6) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS  
9 FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE  
10 EXPECTATION OF AFFECTIONAL INVOLVEMENT. THIS TERM DOES NOT  
11 INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION  
12 BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

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

19 (2) Except as provided in subsection (3), an individual who  
20 assaults his or her spouse or former spouse, an individual WITH  
21 WHOM HE OR SHE HAS OR HAS HAD A DATING RELATIONSHIP, AN  
22 INDIVIDUAL with whom he or she has had a child in common, or a  
23 resident or former resident of the same household without a  
24 weapon and inflicts serious or aggravated injury upon that indi-  
25 vidual without intending to commit murder or to inflict great  
26 bodily harm less than murder is guilty of a misdemeanor

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1 punishable by imprisonment for not more than 1 year or a fine of  
2 not more than \$1,000.00, or both.

3       (3) An individual who assaults his or her spouse or former  
4 spouse, an individual WITH WHOM HE OR SHE HAS OR HAS HAD A DATING  
5 RELATIONSHIP, AN INDIVIDUAL with whom he or she has had a child  
6 in common, or a resident or former resident of the same house-  
7 hold, in violation of subsection (2), and who has 1 or more pre-  
8 vious convictions for assaulting or assaulting and battering his  
9 or her spouse or former spouse, an individual WITH WHOM HE OR SHE  
10 HAS OR HAS HAD A DATING RELATIONSHIP, AN INDIVIDUAL with whom he  
11 or she has had a child in common, or a resident or former resi-  
12 dent of the same household, in violation of this section or  
13 section 81, 82, 83, 84, or 86 or a local ordinance substantially  
14 corresponding to section 81, is guilty of a felony punishable by  
15 imprisonment for not more than 2 years or a fine of not more than  
16 \$2,500.00, or both.

17       (4) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS  
18 FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY THE  
19 EXPECTATION OF AFFECTIONAL INVOLVEMENT. THIS TERM DOES NOT  
20 INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION  
21 BETWEEN 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

22       Enacting section 1. This amendatory act takes effect April  
23 1, 2002.