

HOUSE BILL No. 6516

November 7, 2002, Introduced by Reps. Phillips, Lipsey, Rivet, Switalski, Bernero, Quarles, Jamnick, Clark, Reeves, Woodward, Anderson, Callahan, Murphy, Pumford, Rich Brown, Hale, Whitmer, Hardman, Dennis, Jansen, O'Neil and Thomas and referred to the Committee on Criminal Justice.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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1 Sec. 81a. (1) Except as otherwise provided in this section,
2 a person who assaults an individual without a weapon and inflicts
3 serious or aggravated injury upon that individual without intend-
4 ing to commit murder or to inflict great bodily harm less than
5 murder is guilty of a misdemeanor punishable by imprisonment for
6 not more than 1 year or a fine of not more than \$1,000.00, or
7 both.

8 (2) Except as provided in ~~subsection~~ SUBSECTIONS (3) AND
9 (4), an individual who assaults his or her spouse or former
10 spouse, an individual with whom he or she has or has had a dating

1 relationship, an individual with whom he or she has had a child
2 in common, or a resident or former resident of the same household
3 without a weapon and inflicts serious or aggravated injury upon
4 that individual without intending to commit murder or to inflict
5 great bodily harm less than murder is guilty of a misdemeanor
6 punishable by imprisonment for not more than 1 year or a fine of
7 not more than \$1,000.00, or both.

8 (3) An individual who commits an assault and battery in vio-
9 lation of subsection (2), and who has 1 or more previous convic-
10 tions for assaulting or assaulting and battering his or her
11 spouse or former spouse, an individual with whom he or she has or
12 has had a dating relationship, an individual with whom he or she
13 has had a child in common, or a resident or former resident of
14 the same household, in violation of any of the following, is
15 guilty of a felony punishable by imprisonment for not more than
16 2 years or a fine of not more than \$2,500.00, or both:

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

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

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

23 (4) AN INDIVIDUAL WHO VIOLATES SUBSECTION (1) OR (2) IN SUCH
24 A MANNER THAT THE VICTIM REQUIRES MEDICAL ATTENTION OR MEDICAL
25 CARE IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT
26 MORE THAN 2 YEARS OR A FINE OF NOT MORE THAN \$2,500.00, OR BOTH.

1 (5) ~~(4)~~ As used in this section, "dating relationship"
2 means frequent, intimate associations primarily characterized by
3 the expectation of affectional involvement. This term does not
4 include a casual relationship or an ordinary fraternization
5 between 2 individuals in a business or social context.