

# HOUSE BILL No. 5324

October 17, 2007, Introduced by Rep. Calley and referred to the Committee on Judiciary.

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 2001 PA 200 and section 2950a as amended  
by 2001 PA 201.

## 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~~ **RESPONDENT** are parties, an individual may  
6       petition the family division of circuit court to enter a personal  
7       protection order to restrain or enjoin a spouse, a former spouse,

1 an individual with whom he or she has had a child in common, an  
2 individual with whom he or she has or has had a dating  
3 relationship, or an individual residing or having resided in the  
4 same household as the petitioner from doing 1 or more of the  
5 following:

6 (a) Entering onto premises.

7 (b) Assaulting, attacking, beating, molesting, or wounding a  
8 named individual.

9 (c) Threatening to kill or physically injure a named  
10 individual.

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

15 (e) Purchasing or possessing a firearm.

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

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

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

27 (i) Engaging in conduct that is prohibited under section 411h

1 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
2 750.411i.

3 (j) Any other specific act or conduct that imposes upon or  
4 interferes with personal liberty or that causes a reasonable  
5 apprehension of violence.

6 (2) If ~~the respondent~~ **EITHER PARTY TO A PETITION FOR A**  
7 **PERSONAL PROTECTION ORDER** is a person who is issued a license to  
8 carry a concealed weapon and is required to carry a weapon as a  
9 condition of his or her employment, a police officer certified by  
10 the commission on law enforcement standards act, 1965 PA 203, MCL  
11 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the  
12 ~~Michigan~~ department of state police, a local corrections officer,  
13 department of corrections employee, or a federal law enforcement  
14 officer who carries a firearm during the normal course of his or  
15 her employment, the petitioner shall notify the court of the  
16 ~~respondent's~~ **PARTY'S** occupation ~~prior to~~ **BEFORE** the issuance of the  
17 personal protection order. This subsection does not ~~apply to a~~  
18 **REQUIRE THE DISCLOSURE OF THE RESPONDENT'S OCCUPATION IF THE**  
19 petitioner ~~who~~ does not know the respondent's occupation.

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

24 (4) The court shall issue a personal protection order under  
25 this section if the court determines that there is reasonable cause  
26 to believe that the ~~individual to be restrained or enjoined~~  
27 **RESPONDENT** may commit 1 or more of the acts listed in subsection

1 (1). In determining whether reasonable cause exists, the court  
2 shall consider all of the following:

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

5 (b) Whether the ~~individual to be restrained or enjoined~~  
6 **RESPONDENT** has previously committed or threatened to commit 1 or  
7 more of the acts listed in subsection (1).

8 (5) A court shall not issue a personal protection order that  
9 restrains or enjoins conduct described in subsection (1)(a) **OR**

10 **(8)(A)** if all of the following apply:

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

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

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

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

20 (a) A police report.

21 (b) A medical report.

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

23 (d) Physical signs of abuse or violence.

24 (7) If the court refuses to grant a personal protection order,  
25 it shall state immediately in writing the specific reasons it  
26 refused to issue a personal protection order. If a hearing is held,  
27 the court shall also immediately state on the record the specific

1 reasons it refuses to issue a personal protection order.

2 (8) A COURT THAT ISSUES A personal protection order shall ~~not~~  
3 ~~be made mutual. Correlative separate personal protection orders are~~  
4 ~~prohibited unless both parties have properly petitioned the court~~  
5 ~~pursuant to subsection (1).~~ INCLUDE IN THE ORDER THAT THE  
6 PETITIONER IS PROHIBITED FROM DOING ALL OF THE FOLLOWING:

7 (A) IF THE RESPONDENT IS PROHIBITED FROM ENTERING ONTO  
8 PREMISES WHERE THE PETITIONER RESIDES OR WORKS, ENTERING ONTO  
9 PREMISES WHERE THE RESPONDENT RESIDES OR WORKS.

10 (B) IF THE RESPONDENT IS PROHIBITED FROM ASSAULTING,  
11 ATTACKING, BEATING, MOLESTING, OR WOUNDING THE PETITIONER,  
12 ASSAULTING, ATTACKING, BEATING, MOLESTING, OR WOUNDING THE  
13 RESPONDENT.

14 (C) IF THE RESPONDENT IS PROHIBITED FROM THREATENING TO KILL  
15 OR PHYSICALLY INJURE THE PETITIONER, THREATENING TO KILL OR  
16 PHYSICALLY INJURE THE RESPONDENT.

17 (D) IF THE PETITIONER HAS LEGAL CUSTODY OF A MINOR CHILD AND  
18 THE RESPONDENT IS PROHIBITED FROM REMOVING THE CHILD FROM THE  
19 CUSTODY OF THE PETITIONER, AND IF THE RESPONDENT HAS PARENTING TIME  
20 RIGHTS UNDER AN ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION,  
21 REMOVING THE CHILD FROM THE RESPONDENT WHEN THE RESPONDENT HAS  
22 PARENTING TIME.

23 (E) IF THE RESPONDENT IS PROHIBITED FROM PURCHASING OR  
24 POSSESSING A FIREARM, PURCHASING OR POSSESSING A FIREARM.

25 (F) IF THE PETITIONER HAS LEGAL CUSTODY OF A MINOR CHILD AND  
26 THE RESPONDENT IS PROHIBITED FROM INTERFERING WITH THE PETITIONER'S  
27 EFFORTS TO REMOVE THE CHILD FROM PREMISES THAT ARE SOLELY OWNED OR

1 LEASED BY THE RESPONDENT, AND IF THE RESPONDENT HAS PARENTING TIME  
2 RIGHTS UNDER AN ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION,  
3 INTERFERING WITH THE RESPONDENT'S EFFORTS TO REMOVE THE CHILD FROM  
4 PREMISES THAT ARE SOLELY OWNED OR LEASED BY THE PETITIONER IN ORDER  
5 TO EXERCISE PARENTING TIME.

6 (G) IF THE RESPONDENT IS PROHIBITED FROM INTERFERING WITH THE  
7 PETITIONER'S EFFORTS TO REMOVE THE PETITIONER'S PERSONAL PROPERTY  
8 FROM PREMISES THAT ARE SOLELY OWNED OR LEASED BY THE RESPONDENT,  
9 INTERFERING WITH THE RESPONDENT'S EFFORTS TO REMOVE THE  
10 RESPONDENT'S PERSONAL PROPERTY FROM PREMISES THAT ARE SOLELY OWNED  
11 OR LEASED BY THE RESPONDENT.

12 (H) IF THE RESPONDENT IS PROHIBITED FROM INTERFERING WITH THE  
13 PETITIONER AT THE PETITIONER'S PLACE OF EMPLOYMENT OR EDUCATION OR  
14 ENGAGING IN CONDUCT THAT IMPAIRS THE PETITIONER'S EMPLOYMENT OR  
15 EDUCATIONAL RELATIONSHIP OR ENVIRONMENT, INTERFERING WITH THE  
16 RESPONDENT AT THE RESPONDENT'S PLACE OF EMPLOYMENT OR EDUCATION OR  
17 ENGAGING IN CONDUCT THAT IMPAIRS THE RESPONDENT'S EMPLOYMENT OR  
18 EDUCATIONAL RELATIONSHIP OR ENVIRONMENT.

19 (I) IF THE RESPONDENT IS PROHIBITED FROM HAVING ACCESS TO  
20 INFORMATION IN RECORDS CONCERNING A MINOR CHILD OF BOTH THE  
21 PETITIONER AND THE RESPONDENT THAT WILL INFORM THE RESPONDENT ABOUT  
22 THE ADDRESS OR TELEPHONE NUMBER OF THE PETITIONER AND THE  
23 PETITIONER'S MINOR CHILD OR ABOUT THE PETITIONER'S EMPLOYMENT  
24 ADDRESS, HAVING ACCESS TO INFORMATION IN RECORDS CONCERNING THE  
25 MINOR CHILD THAT WILL INFORM THE PETITIONER ABOUT THE ADDRESS OR  
26 TELEPHONE NUMBER OF THE RESPONDENT OR ABOUT THE RESPONDENT'S  
27 EMPLOYMENT ADDRESS.

(J) IF THE RESPONDENT IS PROHIBITED FROM ENGAGING IN CONDUCT THAT IS PROHIBITED UNDER SECTION 411H OR 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H AND 750.411I, ENGAGING IN THE SAME CONDUCT.

(K) IF THE RESPONDENT IS PROHIBITED FROM ENGAGING IN ANY OTHER SPECIFIC ACT OR CONDUCT, ENGAGING IN THAT CONDUCT.

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

(10) The court shall designate the law enforcement agency that is responsible for entering the personal protection order into the law enforcement information network as provided by the ~~L.E.I.N.~~ C.J.I.S. policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~ 28.215.

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

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

(i) If the ~~respondent~~ **INDIVIDUAL** is 17 years of age or ~~more~~ **OLDER**, immediate arrest and the civil and criminal contempt powers of the court, and that if he or she is found guilty of criminal contempt, ~~he or she shall be imprisoned~~ **IMPRISONMENT** for not more

1 than 93 days and ~~may be fined~~ **A FINE OF** not more than \$500.00.

2 (ii) If the ~~respondent~~ **INDIVIDUAL** is less than 17 years of age,  
3 immediate apprehension or being taken into custody, and ~~subject to~~  
4 the dispositional alternatives listed in section 18 of chapter XIIIA  
5 of the probate code of 1939, 1939 PA 288, MCL 712A.18.

6 (iii) If the ~~respondent~~ **INDIVIDUAL** violates the personal  
7 protection order in a jurisdiction other than this state, ~~the~~  
8 ~~respondent is subject to~~ the enforcement procedures and penalties  
9 of the state, Indian tribe, or United States territory under whose  
10 jurisdiction the violation occurred.

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

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

17 (d) An expiration date stated clearly on the face of the  
18 order.

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

21 (f) The law enforcement agency designated by the court to  
22 enter the personal protection order into the law enforcement  
23 information network.

24 (g) For ex parte orders, a statement that the ~~individual~~  
25 ~~restrained or enjoined~~ **RESPONDENT** may file a motion to modify or  
26 rescind the personal protection order and request a hearing within  
27 14 days after the ~~individual restrained or enjoined~~ **RESPONDENT** has



1 been served or has received actual notice of the order and that  
2 motion forms and filing instructions are available from the clerk  
3 of the court.

4 (12) An ex parte personal protection order shall be issued and  
5 effective without written or oral notice to the ~~individual~~  
6 ~~restrained or enjoined~~ **RESPONDENT** or his or her attorney if it  
7 clearly appears from specific facts shown by verified complaint,  
8 written motion, or affidavit that immediate and irreparable injury,  
9 loss, or damage will result from the delay required to effectuate  
10 notice or that the notice will itself precipitate adverse action  
11 before a personal protection order can be issued.

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

22 (14) Except as otherwise provided in this subsection, ~~the~~ **A**  
23 court shall schedule a hearing on ~~the~~ **A** motion to modify or rescind  
24 ~~the~~ **AN** ex parte personal protection order within 14 days after the  
25 filing of the motion to modify or rescind. If the respondent is a  
26 person described in subsection (2) and the personal protection  
27 order prohibits him or her from purchasing or possessing a firearm,

1 the court shall schedule a hearing on the motion to modify or  
2 rescind the ex parte personal protection order within 5 days after  
3 the filing of the motion to modify or rescind.

4 (15) The clerk of the court that issues a personal protection  
5 order shall do all of the following immediately upon issuance and  
6 without requiring a proof of service on the ~~individual restrained~~  
7 ~~or enjoined~~ **RESPONDENT**:

8 (a) File a true copy of the personal protection order with the  
9 law enforcement agency designated by the court in the personal  
10 protection order.

11 (b) Provide the petitioner with not less than 2 true copies of  
12 the personal protection order.

13 (c) If ~~respondent~~ **EITHER PARTY** is identified in the pleadings  
14 as a law enforcement officer, notify the officer's employing law  
15 enforcement agency, if known, about the existence of the personal  
16 protection order.

17 (d) If the personal protection order prohibits ~~respondent~~ **THE**  
18 **PARTIES** from purchasing or possessing a ~~firearm~~ **FIREARMS**, notify  
19 the concealed weapon licensing board in ~~respondent's~~ **EACH PARTY'S**  
20 county of residence about the existence and contents of the  
21 personal protection order.

22 (e) If ~~the respondent~~ **EITHER PARTY** is identified in the  
23 pleadings as a department of corrections employee, notify the state  
24 department of corrections about the existence of the personal  
25 protection order.

26 (f) If ~~the respondent~~ **EITHER PARTY** is identified in the  
27 pleadings as being a person who may have access to information

1 concerning the ~~petitioner~~**OTHER PARTY** or a child of the petitioner  
2 or respondent and that information is contained in friend of the  
3 court records, notify the friend of the court for the county in  
4 which the information is located about the existence of the  
5 personal protection order.

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

11 (17) The law enforcement agency that receives a true copy of  
12 the personal protection order under subsection (15) or (16) shall  
13 immediately and without requiring proof of service enter the  
14 personal protection order into the law enforcement information  
15 network as provided by the ~~L.E.I.N.-C.J.I.S.~~ policy council act, of  
16 ~~1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~**28.215**.

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

1 protection order, the specific conduct enjoined, the penalties for  
2 violating the order, and where the ~~individual restrained or~~  
3 ~~enjoined~~ **RESPONDENT** 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~~ **THE RESPONDENT** shall also be served  
6 personally or by registered or certified mail, return receipt  
7 requested, delivery restricted to the addressee at the last known  
8 address or addresses of the parent, guardian, or custodian. ~~of the~~  
9 ~~individual restrained or enjoined.~~ A proof of service or proof of  
10 oral notice shall be filed with the clerk of the court issuing the  
11 personal protection order. This subsection does not prohibit the  
12 immediate effectiveness of a personal protection order or its  
13 immediate 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~~ **RESPONDENT** 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 ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of~~  
25 ~~1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~ **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 ~~L.E.I.N.~~  
4 **C.J.I.S.** policy council act, ~~of 1974,~~ 1974 PA 163, MCL 28.211 to  
5 ~~28.216~~ **28.215**.

6 (22) If the ~~individual restrained or enjoined~~ **RESPONDENT** has  
7 not been served, the law enforcement agency or officer responding  
8 to a call alleging a violation of a personal protection order **BY**  
9 **THE RESPONDENT** shall serve the ~~individual restrained or enjoined~~  
10 **RESPONDENT** with a true copy of the order or advise the ~~individual~~  
11 ~~restrained or enjoined~~ **RESPONDENT** about the existence of the  
12 personal protection order, the specific conduct enjoined, the  
13 penalties for violating the order, and where the ~~individual~~  
14 ~~restrained or enjoined~~ **RESPONDENT** may obtain a copy of the order.  
15 The law enforcement officer shall enforce the personal protection  
16 order and immediately enter or cause to be entered into the law  
17 enforcement information network that the ~~individual restrained or~~  
18 ~~enjoined~~ **RESPONDENT** has actual notice of the personal protection  
19 order. The law enforcement officer also shall file a proof of  
20 service or proof of oral notice with the clerk of the court issuing  
21 the personal protection order. If the ~~individual restrained or~~  
22 ~~enjoined~~ **RESPONDENT** has not received notice of the personal  
23 protection order, the ~~individual restrained or enjoined~~ **RESPONDENT**  
24 shall be given an opportunity to comply with the personal  
25 protection order before the law enforcement officer makes a  
26 custodial arrest for violation of the personal protection order.  
27 The failure to immediately comply with the personal protection

1 order ~~shall be~~ **IS** grounds for an immediate custodial arrest. This  
2 subsection does not preclude an arrest under section 15 or 15a of  
3 chapter IV of the code of criminal procedure, 1927 PA 175, MCL  
4 764.15 and 764.15a, or a proceeding under section 14 of chapter  
5 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.14.

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

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

22 (25) A personal protection order issued under this section is  
23 also enforceable under chapter XIIIA of the probate code of 1939,  
24 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV  
25 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

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

1 (27) A court shall not issue a personal protection order that  
2 restrains or enjoins conduct described in subsection (1) **OR (8)** if  
3 any of the following apply:

4 (a) The respondent is the unemancipated minor child of the  
5 petitioner.

6 (b) The petitioner is the unemancipated minor child of the  
7 respondent.

8 (c) The ~~respondent~~ **INDIVIDUAL TO BE RESTRAINED OR ENJOINED** is  
9 a minor child less than 10 years of age.

10 (28) If ~~the respondent~~ **AN INDIVIDUAL RESTRAINED OR ENJOINED** is  
11 less than 18 years of age, issuance of a personal protection order  
12 under this section is subject to chapter XIIIA of the probate code  
13 of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, **AS TO THAT INDIVIDUAL.**

14 (29) A personal protection order that is issued prior to ~~the~~  
15 ~~effective date of the amendatory act that added this subsection~~  
16 **MARCH 1, 1999** is not invalid on the ground that it does not comply  
17 with 1 or more of the requirements added by ~~this amendatory act~~  
18 **1998 PA 477.**

19 (30) As used in this section:

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

25 (b) "Federal law enforcement officer" means an officer or  
26 agent employed by a law enforcement agency of the United States  
27 government whose primary responsibility is the enforcement of laws

1 of the United States.

2 (c) "Personal protection order" means an injunctive order  
 3 issued by the circuit court or the family division of circuit court  
 4 restraining or enjoining activity and individuals listed in  
 5 ~~subsection~~ **SUBSECTIONS (1) AND (8)**.

6 Sec. 2950a. (1) Except as provided in subsections (25) and  
 7 ~~(26)~~ **(28)**, by commencing an independent action to obtain relief  
 8 under this section, by joining a claim to an action, or by filing a  
 9 motion in an action in which the petitioner and the ~~individual to~~  
 10 ~~be restrained or enjoined~~ **RESPONDENT** are parties, an individual may  
 11 petition the family division of circuit court to enter a personal  
 12 protection order to restrain or enjoin an individual from engaging  
 13 in conduct that is prohibited under section 411h or 411i of the  
 14 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i. Relief  
 15 shall not be granted unless the petition alleges facts that  
 16 constitute stalking as defined in section 411h or 411i of the  
 17 Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i. Relief  
 18 may be sought and granted under this section whether or not the  
 19 ~~individual to be restrained or enjoined~~ **RESPONDENT** has been charged  
 20 or convicted under section 411h or 411i of the Michigan penal code,  
 21 1931 PA 328, MCL 750.411h and 750.411i, for the alleged violation.

22 (2) If ~~the respondent~~ **EITHER PARTY TO A PETITION FOR A**  
 23 **PERSONAL PROTECTION ORDER** is a person who is issued a license to  
 24 carry a concealed weapon and is required to carry a weapon as a  
 25 condition of his or her employment, a police officer certified by  
 26 the commission on law enforcement standards act, 1965 PA 203, MCL  
 27 28.601 to 28.616, a sheriff, a deputy sheriff or a member of the



1 Michigan department of state police, a local corrections officer, a  
2 department of corrections employee, or a federal law enforcement  
3 officer who carries a firearm during the normal course of his or  
4 her employment, the petitioner shall notify the court of the  
5 ~~respondent's~~ **PARTY'S** occupation ~~prior to~~ **BEFORE** the issuance of the  
6 personal protection order. This subsection does not ~~apply to a~~  
7 **REQUIRE THE DISCLOSURE OF THE RESPONDENT'S OCCUPATION IF THE**  
8 petitioner ~~who~~ does not know the respondent's occupation.

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

13 (4) If a court **ISSUES OR** refuses to ~~grant~~ **ISSUE** a personal  
14 protection order, the court shall immediately state in writing the  
15 specific reasons for issuing or refusing to issue a ~~THE~~ personal  
16 protection order. If a hearing is held, the court shall also  
17 immediately state on the record the specific reasons for issuing or  
18 refusing to issue a personal protection order.

19 (5) A personal protection order **ISSUED UNDER THIS SECTION**  
20 shall ~~not be~~ made mutual. ~~Correlative separate personal protection~~  
21 ~~orders are prohibited unless both parties have properly petitioned~~  
22 ~~the court according to subsection (1).~~

23 (6) A personal protection order is effective and immediately  
24 enforceable anywhere in this state when signed by a judge. Upon  
25 service, a personal protection order also may be enforced by  
26 another state, an Indian tribe, or a territory of the United  
27 States.

1 (7) The court shall designate the law enforcement agency that  
2 is responsible for entering the personal protection order into the  
3 L.E.I.N.

4 (8) A personal protection order issued under this section  
5 shall include all of the following, ~~and~~ to the extent practicable  
6 contained in a single form:

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

11 (i) If the ~~respondent~~ **INDIVIDUAL** is 17 years of age or ~~more~~  
12 **OLDER**, immediate arrest and the civil and criminal contempt powers  
13 of the court, and that if he or she is found guilty of criminal  
14 contempt, he or she shall be imprisoned for not more than 93 days  
15 and may be fined not more than \$500.00.

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

20 (iii) If the ~~respondent~~ **INDIVIDUAL** violates the personal  
21 protection order in a jurisdiction other than this state, ~~the~~  
22 ~~respondent is subject to the~~ enforcement procedures and penalties  
23 of the state, Indian tribe, or United States territory under whose  
24 jurisdiction the violation occurred.

25 (b) A statement that the personal protection order is  
26 effective and immediately enforceable anywhere in this state when  
27 signed by a judge, and that upon service, a personal protection

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

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

4 (d) An expiration date stated clearly on the face of the  
5 order.

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

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

10 (g) For an ex parte order, a statement that the ~~individual~~  
11 ~~restrained or enjoined-RESPONDENT~~ may file a motion to modify or  
12 rescind the personal protection order and request a hearing within  
13 14 days after the ~~individual restrained or enjoined has been served~~  
14 ~~or has received-RESPONDENT IS SERVED OR RECEIVES~~ actual notice of  
15 the personal protection order and that motion forms and filing  
16 instructions are available from the clerk of the court.

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

25 (10) A personal protection order issued under subsection (9)  
26 is valid for not less than 182 days. The ~~individual restrained or~~  
27 ~~enjoined-RESPONDENT~~ may file a motion to modify or rescind the

1 personal protection order and request a hearing under the Michigan  
2 court rules. The motion to modify or rescind the personal  
3 protection order shall be filed within 14 days after the order is  
4 served or after the ~~individual restrained or enjoined has received~~  
5 **RESPONDENT RECEIVES** actual notice of the personal protection order  
6 unless good cause is shown for filing the motion after 14 days have  
7 elapsed.

8 (11) Except as otherwise provided in this subsection, the  
9 court shall schedule a hearing on the motion to modify or rescind  
10 the ex parte personal protection order within 14 days after ~~the~~  
11 ~~filing of the motion to modify or rescind~~ **IS FILED**. If the  
12 respondent is a person described in subsection (2) and the personal  
13 protection order prohibits him or her from purchasing or possessing  
14 a firearm, the court shall schedule a hearing on the motion to  
15 modify or rescind the ex parte personal protection order within 5  
16 days after the ~~filing of the motion to modify or rescind~~ **IS FILED**.

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

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

24 (b) Provide **THE** petitioner with not ~~less~~ **FEWER** than 2 true  
25 copies of the personal protection order.

26 (c) If ~~respondent~~ **EITHER PARTY** is identified in the pleadings  
27 as a law enforcement officer, notify the officer's employing law

1 enforcement agency ~~about~~**OF** the existence of the personal  
2 protection order.

3 (d) If the personal protection order prohibits the ~~respondent~~  
4 **PARTIES** from purchasing or possessing a ~~firearm~~**FIREARMS**, notify  
5 the concealed weapon licensing board in ~~respondent's~~**EACH PARTY'S**  
6 county of residence ~~about~~**OF** the existence and content of the  
7 personal protection order.

8 (e) If the ~~respondent~~**EITHER PARTY** is identified in the  
9 pleadings as a department of corrections employee, notify the state  
10 department of corrections ~~about~~**OF** the existence of the personal  
11 protection order.

12 (f) If the ~~respondent~~**EITHER PARTY** is identified in the  
13 pleadings as being a person who may have access to information  
14 concerning the ~~petitioner~~**OTHER PARTY** or a child of the petitioner  
15 or respondent and that information is contained in friend of the  
16 court records, notify the friend of the court for the county in  
17 which the information is located ~~about~~**OF** the existence of the  
18 personal protection order.

19 (13) The clerk of ~~the~~**A** court **THAT ISSUES A PERSONAL**  
20 **PROTECTION ORDER** shall inform the petitioner that he or she may  
21 take a true copy of the personal protection order to the law  
22 enforcement agency designated by the court ~~in~~**UNDER** subsection (7)  
23 to be immediately entered into the L.E.I.N.

24 (14) The law enforcement agency that receives a true copy of  
25 ~~the~~**A** personal protection order under subsection (12) or (13) shall  
26 immediately, without requiring proof of service, enter the personal  
27 protection order into the L.E.I.N.

(15) A personal protection order issued under this section shall be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the ~~individual restrained or enjoined~~ **RESPONDENT**, or by any other ~~manner provided in~~ **METHOD ALLOWED BY** the Michigan court rules. If the ~~individual restrained or enjoined~~ **RESPONDENT** has not been served, a law enforcement officer or clerk of the court who knows that a personal protection order exists may, at any time, serve the ~~individual restrained or enjoined~~ **RESPONDENT** with a true copy of the order or ~~advise~~ **ORALLY NOTIFY** the ~~individual restrained or enjoined about~~ **RESPONDENT OF** the existence of the personal protection order, the specific conduct enjoined, the penalties for violating the order, and where the ~~individual restrained or enjoined~~ **RESPONDENT** may obtain a copy of the order. If the respondent is less than 18 years of age, the parent, guardian, or custodian of ~~that individual~~ **THE RESPONDENT** shall also be served personally or by registered or certified mail, return receipt requested, delivery restricted to the addressee at the last known address or addresses of the parent, guardian, or custodian. ~~of the individual restrained or enjoined.~~ A proof of service or proof of oral notice shall be filed with the clerk of the court issuing the personal protection order. This subsection does not prohibit the immediate effectiveness of a personal protection order or immediate enforcement under subsection (18) or (19).

(16) The clerk of the court **THAT ISSUED A PERSONAL PROTECTION ORDER** shall immediately notify the law enforcement agency that

1 received the personal protection order under subsection (12) or  
2 (13) if either **OR BOTH** of the following ~~occurs~~**OCCUR**:

3 (a) The clerk of the court ~~has received~~**RECEIVES** proof that  
4 the ~~individual restrained or enjoined~~**RESPONDENT** has been served.

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

7 (17) The law enforcement agency that receives information  
8 under subsection (16) shall enter the information or cause the  
9 information to be entered into the L.E.I.N.

10 (18) Subject to subsection (19), a personal protection order  
11 is immediately enforceable anywhere in this state by any law  
12 enforcement agency that has received a true copy of the order, is  
13 shown a copy of it, or has verified its existence on the L.E.I.N.

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

1 with the clerk of the court ~~issuing~~ **THAT ISSUED** the personal  
2 protection order. If the ~~individual restrained or enjoined~~  
3 **RESPONDENT** has not received notice of the personal protection  
4 order, the ~~individual restrained or enjoined~~ **RESPONDENT** shall be  
5 given an opportunity to comply with the personal protection order  
6 before the law enforcement officer makes a custodial arrest for  
7 violation of the personal protection order. Failure to immediately  
8 comply with the personal protection order is grounds for an  
9 immediate custodial arrest. This subsection does not preclude an  
10 arrest under section 15 or 15a of chapter IV of the code of  
11 criminal procedure, 1927 PA 175, MCL 764.15 and 764.15a, or a  
12 proceeding under section 14 of chapter XIIIA of the probate code of  
13 1939, 1939 PA 288, MCL 712A.14.

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

27 (21) An individual who knowingly and intentionally makes a



1 false statement to ~~the~~**A** court in support of his or her petition  
2 for a personal protection order is subject to the contempt powers  
3 of the court.

4 (22) A personal protection order issued under this section is  
5 also enforceable under chapter XIIIA of the probate code of 1939,  
6 1939 PA 288, MCL 712A.1 to 712A.32, and section 15b of chapter IV  
7 of the code of criminal procedure, 1927 PA 175, MCL 764.15b.

8 (23) A personal protection order issued under this section may  
9 enjoin or restrain an individual from purchasing or possessing a  
10 firearm.

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

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

16 (a) The respondent is the unemancipated minor child of the  
17 petitioner.

18 (b) The petitioner is the unemancipated minor child of the  
19 respondent.

20 (c) The ~~respondent~~**INDIVIDUAL TO BE RESTRAINED OR ENJOINED** is  
21 a minor child less than 10 years of age.

22 (26) If ~~the respondent~~**AN INDIVIDUAL RESTRAINED OR ENJOINED** is  
23 less than 18 years of age, issuance of a personal protection order  
24 under this section is subject to chapter XIIIA of the probate code  
25 of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, **AS TO THAT INDIVIDUAL.**

26 (27) A personal protection order ~~that is~~ issued before March  
27 1, 1999 is not invalid on the ground that it does not comply with 1

1 or more of the requirements added by 1998 PA 476.

2 (28) A court shall not issue a personal protection order under  
3 this section if the petitioner is a prisoner. If a personal  
4 protection order is issued in violation of this subsection, a court  
5 shall rescind the personal protection order upon notification and  
6 verification that the petitioner is a prisoner.

7 (29) As used in this section:

8 (a) "Federal law enforcement officer" means an officer or  
9 agent employed by a law enforcement agency of the United States  
10 government whose primary responsibility is the enforcement of laws  
11 of the United States.

12 (b) "L.E.I.N." means the law enforcement information network  
13 administered under the ~~L.E.I.N.-C.J.I.S.~~ policy council act, ~~of~~  
14 ~~1974,~~ 1974 PA 163, MCL 28.211 to ~~28.216~~ **28.215**.

15 (c) "Personal protection order" means an injunctive order  
16 issued by **THE** circuit court or the family division of circuit court  
17 restraining or enjoining conduct prohibited under section 411h or  
18 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
19 750.411i.

20 (d) "Prisoner" means a person subject to incarceration,  
21 detention, or admission to a prison who is accused of, convicted  
22 of, sentenced for, or adjudicated delinquent for violations of  
23 federal, state, or local law or the terms and conditions of parole,  
24 probation, pretrial release, or a diversionary program.