

# HOUSE BILL NO. 6017

September 26, 2024, Introduced by Reps. Mentzer, Tsernoglou, Rheingans, Brixie, Paiz, McFall, Brenda Carter, Morgan, Andrews, Byrnes, Breen, Arbit, Dievendorf, Hope, Conlin, Wilson, Koleszar, Young and Fitzgerald and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2950 (MCL 600.2950), as amended by 2018 PA 146.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2950. (1) Except as otherwise provided in subsections  
2           (26) and (27), by commencing an independent action to obtain relief  
3           under 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

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

7 (a) Entering onto premises.

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

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

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

16 (e) Purchasing or possessing a firearm.

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

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

24 (h) If the petitioner is a minor who has been the victim of  
25 sexual assault, as that term is defined in section 2950a, by the  
26 respondent and if the petitioner is enrolled in a public or  
27 nonpublic school that operates any of grades K to 12, attending  
28 school in the same building as the petitioner.

29 (i) Having access to information in records concerning a minor

1 child of both petitioner and respondent that will inform respondent  
2 about the address or telephone number of petitioner and  
3 petitioner's minor child or about petitioner's employment address.

4 (j) Engaging in conduct that is prohibited under section 411h  
5 or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and  
6 750.411i.

7 (k) Any of the following with the intent to cause the  
8 petitioner mental distress or to exert control over the petitioner  
9 with respect to an animal in which the petitioner has an ownership  
10 interest:

11 (i) Injuring, killing, torturing, neglecting, or threatening to  
12 injure, kill, torture, or neglect the animal. A restraining order  
13 that enjoins conduct under this subparagraph does not prohibit the  
14 lawful killing or other use of the animal as described in section  
15 ~~50(11)~~**50(12)** of the Michigan penal code, 1931 PA 328, MCL 750.50.

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

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

18 (l) Any other specific act or conduct that imposes upon or  
19 interferes with personal liberty or that causes a reasonable  
20 apprehension of violence.

21 (2) If the respondent is a person who is issued a license to  
22 carry a concealed weapon and is required to carry a weapon as a  
23 condition of his or her employment, a police officer licensed or  
24 certified by the Michigan commission on law enforcement standards  
25 act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff  
26 or a member of the ~~Michigan~~ department of state police, a local  
27 corrections officer, department of corrections employee, or a  
28 federal law enforcement officer who carries a firearm during the  
29 normal course of his or her employment, the petitioner shall notify

1 the court of the respondent's occupation before issuance of the  
2 personal protection order. This subsection does not apply to a  
3 petitioner who does not know the respondent's occupation.

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

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

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

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

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

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

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

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

29 (6) A court shall not refuse to issue a personal protection

1 order solely because of the absence of any of the following:

2 (a) A police report.

3 (b) A medical report.

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

5 (d) Physical signs of abuse or violence.

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

11 (8) A court shall not issue a mutual personal protection  
12 order. Correlative separate personal protection orders are  
13 prohibited unless both parties have properly petitioned the court  
14 under subsection (1).

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

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

24 (11) A personal protection order must include all of the  
25 following, to the extent practicable 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  
28 violation of the personal protection order will subject the  
29 individual restrained or enjoined to 1 or more of the following:

1           (i) If the respondent is 17 years of age or older, immediate  
2 arrest and the civil and criminal contempt powers of the court and,  
3 if he or she is found guilty of criminal contempt, imprisonment for  
4 not more than 93 days and a fine of not more than \$500.00.

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

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

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

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

19           (d) An expiration date stated clearly on the face of the  
20 order.

21           (e) A statement that the personal protection order is  
22 enforceable anywhere in this state by any law enforcement agency.

23           (f) The name of the law enforcement agency designated by the  
24 court to enter the personal protection order into the law  
25 enforcement information network.

26           (g) For ex parte orders, a statement that the individual  
27 restrained or enjoined may file a motion to modify or rescind the  
28 personal protection order and request a hearing within 14 days  
29 after the individual restrained or enjoined has been served or has

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

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

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

20 (14) Except as otherwise provided in this subsection, the  
21 court shall schedule a hearing on a motion to modify or rescind the  
22 ex parte personal protection order within 14 days after the motion  
23 is filed. If the respondent is a person described in subsection (2)  
24 and the personal protection order prohibits him or her from  
25 purchasing or possessing a firearm, the court shall schedule a  
26 hearing on the motion to modify or rescind the ex parte personal  
27 protection order within 5 days after the motion is filed.

28 (15) The clerk of the court that issues a personal protection  
29 order shall do all of the following immediately upon issuance and

1 without requiring a proof of service on the individual restrained  
2 or enjoined:

3 (a) File a true copy of the personal protection order with the  
4 law enforcement agency designated by the court in the personal  
5 protection order.

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

8 (c) If the respondent is identified in the pleadings as a law  
9 enforcement officer, notify the officer's employing law enforcement  
10 agency, if known, about the existence of the personal protection  
11 order.

12 (d) If the personal protection order prohibits the respondent  
13 from purchasing or possessing a firearm, notify the county clerk of  
14 the respondent's county of residence about the existence and  
15 contents of the personal protection order.

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

19 (f) If the respondent is identified in the pleadings as being  
20 a person who may have access to information concerning the  
21 petitioner or a child of the petitioner or respondent and that  
22 information is contained in friend of the court records, notify the  
23 friend of the court for the county in which the information is  
24 located about the existence of the personal protection order.

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



1           (17) The law enforcement agency that receives a true copy of a  
2 personal protection order under subsection (15) or (16) shall  
3 immediately and without requiring proof of service enter the  
4 personal protection order into the law enforcement information  
5 network as provided by the C.J.I.S. policy council act, 1974 PA  
6 163, MCL 28.211 to 28.215.

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

29           (19) The clerk of the court that issued the personal

1 protection order shall immediately notify the law enforcement  
2 agency that received the personal protection order under subsection  
3 (15) or (16) if either of the following occurs:

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

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

8 (20) The law enforcement agency that receives information  
9 under subsection (19) shall enter the information or cause the  
10 information to be entered into the law enforcement information  
11 network as provided by the C.J.I.S. policy council act, 1974 PA  
12 163, MCL 28.211 to 28.215.

13 (21) Subject to subsection (22), a personal protection order  
14 is immediately enforceable anywhere in this state by any law  
15 enforcement agency that has received a true copy of the order, is  
16 shown a copy of it, or has verified its existence on the law  
17 enforcement information network as provided by the C.J.I.S. policy  
18 council act, 1974 PA 163, MCL 28.211 to 28.215.

19 (22) If the individual restrained or enjoined has not been  
20 served, a law enforcement agency or officer responding to a call  
21 alleging a violation of a personal protection order shall serve the  
22 individual restrained or enjoined with a true copy of the order or  
23 advise the individual restrained or enjoined of the existence of  
24 the personal protection order, the specific conduct enjoined, the  
25 penalties for violating the order, and where the individual  
26 restrained or enjoined may obtain a copy of the order. The law  
27 enforcement officer shall enforce the personal protection order and  
28 immediately enter or cause to be entered into the law enforcement  
29 information network that the individual restrained or enjoined has

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

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

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

1 the court.

2 (25) A personal protection order issued under this section is  
3 also enforceable under section 15b of chapter IV of the code of  
4 criminal procedure, 1927 PA 175, MCL 764.15b, and chapter 17.

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

8 (a) The respondent is the unemancipated minor child of the  
9 petitioner.

10 (b) The petitioner is the unemancipated minor child of the  
11 respondent.

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

13 (27) If the respondent is less than 18 years of age, issuance  
14 of a personal protection order under this section is subject to  
15 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1  
16 to 712A.32.

17 (28) A personal protection order that is issued before March  
18 1, 1999 is not invalid on the ground that it does not comply with 1  
19 or more of the requirements added by 1998 PA 477.

20 (29) For purposes of subsection (1)(k), a petitioner has an  
21 ownership interest in an animal if 1 or more of the following are  
22 applicable:

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

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

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

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

28 (30) As used in this section:

29 (a) "Dating relationship" means frequent, intimate

1 associations primarily characterized by the expectation of  
2 affectional involvement. Dating relationship does not include a  
3 casual relationship or an ordinary fraternization between 2  
4 individuals in a business or social context.

5 (b) "Federal law enforcement officer" means an officer or  
6 agent employed by a law enforcement agency of the United States  
7 government whose primary responsibility is the enforcement of laws  
8 of the United States.

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

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

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. \_\_\_\_ or House Bill No. 6015 (request no.  
18 01255'23) of the 102nd Legislature is enacted into law.