Appendix D: Michigan Criminal Statutes

Domestic Violence (Includes Dating Violence): MCLA § 750.81

Domestic violence is defined as the assault or assault and battery of:

- A spouse or former spouse
- An individual with whom the assailant has or has had a dating relationship
- An individual with whom the assailant has had a child in common
- A resident or former resident of the assailant's household

The term "dating relationship" is defined as frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

Aggravated Domestic Violence (Includes Dating Violence): MCLA § 750.81a

Aggravated domestic violence is defined as the assault without a weapon, inflicting serious or aggravated injury (without intent to commit murder or inflict great bodily harm less than murder) of any of the following individuals:

- A spouse or former spouse
- An individual with whom the assailant has or has had a dating relationship
- An individual with whom the assailant has had a child in common
- A resident or former resident of the assailant's household

The term "dating relationship" is defined as frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

Stalking: MCLA § 750.411h

Stalking is defined as a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

"Course of conduct" means a pattern of conduct composed of a series of 2 or more separate noncontinuous acts evidencing a continuity of purpose.

"Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

"Harassment" means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable individual to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.

"Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:

- Following or appearing within the sight of that individual.
- Approaching or confronting that individual in a public place or on private property.
- Appearing at that individual's workplace or residence.
- Entering onto or remaining on property owned, leased, or occupied by that individual.
- Contacting that individual by telephone.
- Sending mail or electronic communications to that individual.
- Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

Aggravated Stalking: MCLA § 750.411i

An individual who engages in stalking is guilty of aggravated stalking if the violation involves any of the following circumstances:

- At least 1 of the actions constituting the offense is in violation of a restraining order and the individual has received actual notice of that restraining order or at least 1 of the actions is in violation of an injunction or preliminary injunction.
- At least 1 of the actions constituting the offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.
- The course of conduct includes the making of 1 or more credible threats against the victim, a member of the victim's family, or another individual living in the same household as the victim.
- The individual has been previously convicted of a violation of this section or section 411h.

"Credible threat" means a threat to kill another individual or a threat to inflict physical injury upon another individual that is made in any manner or in any context that causes the individual hearing or receiving the threat to reasonably fear for his or her safety or the safety of another individual.

Criminal Sexual Conduct (Sexual Assault): MCLA § 750.520

Michigan criminal laws regarding sexual assault are separated into four degrees of criminal sexual conduct. For each of those criminal offenses, the following definitions apply:

"Sexual contact" includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification, done for a sexual purpose, or in a sexual manner for:

- Revenge
- To inflict humiliation
- Out of anger.

"Sexual penetration" means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required.

"Intimate parts" includes the primary genital area, groin, inner thigh, buttock, or breast of a human being.

"Physically helpless" means that a person is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.

A chart summarizing the four degrees of criminal sexual conduct is included below.

CRIMINAL SEXUAL CONDUCT OFFENSES

	T			T		T
	CSC	CSC	CSC	CSC	Assault	Assault with
	1st Degree	2 nd Degree	3 rd Degree	4 th Degree	with Intent	Intent to
					to Commit	Commit CSC
					CSC	2 nd Degree
					Involving	(contact)
					_	(contact)
-	G 1 4 4	G 1 4 4 11	G 1 4 4	6 1 4 1	Penetration	TT1 C 11 :
Elements of	Sexual penetration and if any one of the	Sexual contact with another person and if	Sexual penetration and if any of the	Sexual contact and if any of the	Commission of assault with	The following elements are
Offense	following circumstances	any of the following	following	following	intent to commit	needed to establish
Offense	exist:	circumstances exist:	circumstances exist:	circumstances exist:	sexual	assault with intent
	1 37	1 77	1 77	Victim is one of	penetration.	to commit CSC
	 Victim is one of the following: 	Victim is one of the following:	Victim is one of the following:	the following:		second degree:
	a. under 13;	a. under 13;	a. 13-15	a. 13-15		1. Assault
	b. 13-15 (inclusive)	b. 13-15 (inclusive)	(inclusive);	(inclusive), and		2. Intent to commit
	and	and	b. mentally	the actor is more		sexual contact
	- a household member:	 a household member; 	incapable; c. mentally	than 5 years older than the victim;		for the purpose of sexual arousal
	- related by blood or	- related by blood or	incapacitated;	b. mentally		or sexual
	affinity to the 4th	affinity to the 4th	d. physically	incapable;		gratification
	degree;	degree; - actor in a position	helpless; e. related to the	c. mentally		(actual touching
	 actor in a position of authority; 	of authority;	actor by blood or	incapacitated; d. physically		is not required). 3, Actor must have
	- actor is a teacher,	- actor is a teacher,	affinity to the 3 rd	helpless		intended to
	substitute teacher,	substitute teacher,	degree	e. related to the		touch victim's
	or administrator in school or school	or administrator in school or school	2. Force or coercion	actor by blood or affinity to the 3 rd		genital area, groin, inner
	district:	district;	2. Poice of coercion	degree		thigh, buttock,
	- actor is an	- actor is an	3. Victim is 16-17	f. client or patient		breast, or
	employee or	employee or	(inclusive) and a	of a mental health		clothing
	contractor of school or school district:	contractor of school or school	student and either of the following	professional (contact must		covering those areas, or actor
	actor is a volunteer;	district; actor is a	applies:	occur during or		must
	or actor is	volunteer; or actor	a. actor is a	within 2 years of		have specifically
	government	is government	teacher,	termination of		intended to have
	employee who provides services to	employee who provides services	substitute teacher, or	relationship)		the complainant touch such area
	school or school	to school or school	administrator in	2. Force or coercion		on him.
	district; or	district; or	school or school			4. Aggravating
	- actor is an	- actor is an	district;	3. Victim is 16-17		circumstance
	employee, contractor, or	employee, contractor, or	b. actor is an employee or	(inclusive) <u>and</u> a student and either		i.e. force or coercion
	volunteer of a child	volunteer of a child	contractor of	of the following		cocicion
	care organization;	care organization;	school or school	applies:		
	or actor is a person	or actor is a person	district; actor is	a. actor is a		
	licensed to operate a foster care home	licensed to operate a foster care home	a volunteer; or actor is	teacher, substitute		
	u foster cure nome	u foster cure nome	government	teacher, or		
	2. Involves the	2. Involves the	employee who	administrator		
	commission of any other felony.	commission of any other felony.	provides services to	in school or school district:		
	onici iciony.	onici icioliy.	school or school	b. actor is an		
	3. Actor aided and	3. Actor aided and	district	employee or		
	abetted by one or	abetted by one or	4 377	contractor of		
	more persons <u>and</u> victim is one of the	more persons <u>and</u> victim is one of the	4. Victim is 16-25 (inclusive) and	school or school district;		
	following:	following:	receiving special	actor is a		
	a. mentally	a. mentally	education services	volunteer; or		
	incapable;	incapable;	and any of the	actor is		
	 b. mentally incapacitated; 	 b. mentally incapacitated; 	following apply: a. actor is a	government employee who		
	c. physically	c. physically	teacher,	provides		
	helpless; or	helpless; or	substitute	services to		
	d. forced or coerced	d. forced or coerced	teacher, or	school or		
	4. Actor armed with	Actor armed with	administrator in school or school	school district		
	weapon or object.	weapon or object.	district; or	4. Victim is 16-25		
			b. actor is a	(inclusive) and		
	5. Force or coercion	5. Force or coercion	volunteer or	receiving special		
	<u>and</u> personal injury. Force includes:	and personal injury.	government employee who	education services and any		
	a. physical force or	6. Personal injury and	provides	of the following		
	violence;	victim is:	services to	apply:		

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b. coercion by threat	a. mentally	school or school	a. actor is a		
of force;	incapable;	district	teacher,		
c. coercion by threat	b. mentally		substitute		
of future retaliation;	incapacitated; or	5. Actor is an	teacher, or		
d. medical	c. physically	employee,	administrator		
examination or	helpless	contractor, or	in school or		
treatment for		volunteer of a child	school district;		
unethical reasons;	Victim is mentally	care organization;	or		
or	incapable, mentally	or actor is a person	b. actor is a		
e. overcome victim	disabled, mentally	licensed to operate	volunteer or		
through	incapacitated, or	a foster care home	government		
concealment or	physically helpless		employee who		
surprise	and any of the		provides		
	following:		services to		
Personal injury and	 related by blood 		school or		
victim is:	or affinity to the		school district		
a. mentally incapable	4th degree; or				
b. mentally	 b. actor in a position 		Actor is an		
incapacitated; or	of authority		employee,		
c. physically helpless			contractor, or		
1 J J P	8. Victim under		volunteer of a		
7. Victim is mentally	jurisdiction of		child care		
incapable, mentally	department of		organization; or		
disabled, mentally	correction and actor		actor is a person		
incapacitated, or	is an employee,		licensed to operate		
physically helpless	contractor, or		a foster care home		
and any of the	volunteer with		a foster care nome		
following:	department of				
a. related by blood or	corrections.				
affinity to the 4 th	corrections.				
degree; or	9. Victim under				
b. actor in a position	jurisdiction of				
of authority	department of				
	corrections and actor				
	is an employee,				
	contractor, or				
	volunteer with a				
	private vendor that				
	operates a youth				
	facility.				
	Victim is a prisoner				
	or probationer and				
	actor is an employee,				
	contractor, or				
	volunteer with				
	department of				
	corrections				
	11. Victim detained or				
	committed to a				
	facility and actor is				
	an employee,				
	contractor, or				
	volunteer with the				
	victim's facility.				
	victini s facility.	l	1		l

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