

3<sup>RD</sup> CIRCUIT COURT  
ADULT DRUG TREATMENT COURT  
ELIGIBILITY CRITERIA

**Seriously Addicted Offenders –**

The crime or violation arises from cocaine, heroin or prescription drug addiction or the addiction seriously impedes the defendant's ability to function as a responsible adult.

**Non-violent Offenders –**

The current offense or violation does not involve death or serious bodily injury to an individual, a dangerous weapons offense or a sex crime. Mandatory exclusions are prior assaultive felony convictions, or aggravated assault.

**Prison or Jail Bound Offenders –**

Probation and parole violators, who are prison or jail bound, are given the greatest preference. Priority is also given to straddle cell offenders and offenders who would otherwise be sentenced to jail or prison.

**Exclusions –**

First time offenders and marijuana users should be referred to the prosecutor's office for consideration in one of their diversion programs.

## REFERRAL PROCESS

1. To determine eligibility, contact one of the Adult Drug Treatment Court Case Managers, or the Adult Drug Treatment Court Coordinator.
2. The candidate completes an application and is pre-screened for participation in the Adult Drug Treatment Court program.
3. A pre-admission assessment appointment is scheduled through one of two Coordinating Agencies, (Bureau of Substance – for Detroit residence or SEMCA- for out county residents) depending upon where the candidate resides.
4. Probation violators may be referred to the Adult Drug Treatment Court by AOI judges.

### **Case Managers**

Michael Singleton 313 224 0998  
Rita Jones – 313 224 2402  
Deborah Price – 313 967 2554

### **Adult Drug Court Coordinator**

Zené Gibson  
313 224 9703

### **Drug Court Judges**

Hon. Timothy M. Kenny – 602 FMHJ – 313 224 5170  
Hon. Brian R. Sullivan – 601 FMHJ – 313 224 2789  
Hon. Wade McCree – 204 FMHJ - 313 224 2441  
Hon. Kevin Robbins – 203 FMHJ – 313 224 5234

## PRE-TRIAL DIVERSION

Date: September 29, 2008

To: Wayne County Criminal Defense Bar

From: William J. Heaphy, Jr. (313-224-2887)  
Wayne County Prosecutor's Office  
Director, Pre-Trial Diversion Program

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This memo is meant to serve as an overview of the Diversion Program. For information on specific offenses, please see the accompanying Eligibility List.

### Goals of the Program:

- Ensure prompt disposition of low-level felony cases with minimal use of public resources.
- Encourage early payment of restitution to crime victims.
- Distinguish between offenders who merit criminal sanctions and those who deserve a second chance.

### Procedure

- Attorneys seeking Diversion for their clients should apply as early as possible, preferably on the date of the AOI or Pre-Exam.
- HYTA-eligible defendants should seek HYTA.
- "Request for Diversion Consideration" forms should be filled out and submitted to the Court, and a hearing date should be set. Two weeks is typically needed to review and investigate a Diversion Request.
- After the date is set, attorneys should bring their client and the Prosecutor's File to the 10<sup>th</sup> Floor Visitor's Lobby. The attorney, client and Diversion APA will meet and briefly discuss the program; a follow-up interview will be scheduled.
- Most Diversion applicants are completely unfamiliar with the criminal justice system. Attorneys should make sure that their client's are aware of and prepared for appointments, court dates, and payment deadlines.
- A recommendation for (or against) placement in the Diversion Program will be made on the court date. Often, the recommendation will depend on payment of restitution or the supervision fee to be made that morning. Attorneys should contact their clients after the follow-up interview and make sure that their clients know what their obligations are.

### Prior Record

- In general, defendants with no prior record, or limited, non-assaultive misdemeanor or juvenile contacts will be eligible for Diversion.
- Exceptions might be made for defendants with extremely old criminal contacts, if there has been a long history of law-abiding behavior and if other equitable circumstances exist.

### Restitution

- Restitution should be paid in full prior to acceptance into the Diversion Program.
- Defendants will sometimes be accepted upon payment of half the total restitution owed, but only after demonstrating their good faith and an ability to pay the balance within 120 days of the AOI.

### Other Conditions

- Other conditions of the program generally include payment of a supervision fee, regular reporting, and community service. Diversion participants are expected to maintain stable residence and employment and to obey the law.
- Depending on the individual defendant, or the facts of a particular case, some conditions may be held in abeyance; other conditions may be added. These might include: counseling for substance abuse, anger management, or other behavioral health problems; drug screening; the Wayne County Alternative Work Force; GED classes and/or vocational training.

### Revocation

- The decision place or continue a defendant in Diversion is entirely within the discretion of the Office of the Wayne County Prosecutor. Following a decision to revoke a defendant's Diversion status, a Pre-Trial will be scheduled and the parties will be notified by mail.

## Diversion Eligibility

Date: September 29, 2008

From: William J. Heaphy, Jr.  
Wayne County Prosecutor's Office  
Director, Pre-Trial Diversion Program

### Cases Considered for Diversion

- Embezzlement<sup>1</sup>
- Larceny<sup>1</sup>
- False Pretenses<sup>1,2</sup>
- Insurance Fraud<sup>1,2</sup>
- Computer Fraud<sup>1,2</sup>
- Identity Theft<sup>1,2</sup>
- False Felony Report
- Poss./Del. Unauthorized A/V Recordings
- Poss./Del. Counterfeit Property
- Uttering and Publishing
- Credit Card Cases (FTD)
- Check – NSF and/or No Account
- Retail Fraud
- Larceny in a Building
- B&E Building
- Home Invasion III
- B&E Coin Box
- Poss. Burglar Tools
- Malicious Destruction of Property
- Arson - Personal Property
- RCSP
- UDAA / UTUA
- Failure to Return Rental Property
- Larceny / B&E Motor Vehicle
- License / Document / Ins.Cert. Forgery
- Misc. Motor Vehicle Code Violations<sup>3</sup>

### Cases Not Considered

- All Assaults
- All Homicides
- All CSC Cases
- Kidnapping
- Home Invasion I & II
- Arson – Dwelling
- Arson – Real Property
- Extortion
- Perjury
- Obstruction of Justice
- Stalking
- CCW
- Poss. Sawed-Off Shotgun
- Poss. Brass Knuckles
- Larceny from a Person
- Fleeing and Eluding
- OUIL – 3<sup>rd</sup>
- Felonious Driving
- Controlled Substance Offenses<sup>4</sup>

### Notes

- 1) For theft cases, the value of money or goods taken must be less than \$10,000. Exceptions may be made in cases where the amount at issue is between \$10,000 and \$20,000. Cases involving amounts over \$20,000 will generally not be considered.
- 2) Fraud cases will be considered where the culpability of the defendant is relatively low and where the conduct at issue is relatively simple. Crimes involving complex schemes, large amounts of money, and multiple fraudulent actions are inappropriate for Diversion.
- 3) Offenses such as Intent to Pass False Title and Odometer Tampering will be considered but, as stated above, only where the culpability of the defendant is relatively low.
- 4) Drug Offenders should request a sentence under MCL 333.7411 or request placement in Drug Court or the Deferred Sentence program.

## **D.O.D.S.**

### **Wayne County Prosecutors Drug Offense Delayed Sentence Program**

This program is for Drug Cases only (no G.H.B.) It is different from Dug Court in that it accepts individuals who are less seriously addicted to their drug of choice. It does not include crimes such as Larceny, Retail Fraud, home Invasion etc.

#### **PREREQUISITES**

- 1) No Prior Felony Convictions
- 2) No Prior HYTA, Diversion, 333.7411, or pleas under advisement.
- 3) No other pending case.
- 4) No guns associated with present case (other weapons will be reviewed on a case by case basis).
- 5) No cases involving more than 50 grams or more (except marijuana).
- 6) A Delayed Sentence is discretionary when the Defendant has a prior juvenile conviction.
- 7) A Delayed Sentence is discretionary when the Defendant has a prior contact with the criminal justice system and no conviction resulted in that contact.
- 8) A Delayed Sentence is discretionary when there is a search warrant.
- 9) Discretion shall be exercised by Wayne County Prosecutors Office supervisory personnel ( Docket Attorneys and Program Coordinator – Sharon Grier)
- 10) An informational questionnaire must be completed by the Defendant and returned to APA Sharon Grier at the time of the plea.
- 11) The plea should be taken at the pre-exam or AOI but the offer will remain open until the final conference.
- 12) If the plea is taken after the AOI, the plea will be taken before the Judge to where the case was permanently assigned.
- 13) The Plea form must indicate the following:
  - a. If no prior record, 11 months delayed sentence
  - b. Seek/maintain employment
  - c. Complete High School/GED
  - d. Drug testing/treatment
  - e. Monthly meetings with APA
  - f. 40 hours community service
  - g. No further contact with criminal justice system
  - h. Cost/fees
- 14) Defendant must be referred to the probation department after the plea has been taken

## F.A.Q. – MENTAL HEALTH JAIL DIVERSION

- *What is the difference between the Mental Health Jail Diversion and Pre-Trial Diversion?*

Despite sharing the word “Diversion” in their titles, the two programs are fundamentally different. Mental Health Diversion (formally, the “Behavioral Health / Expedited Plea Program”) seeks to divert mentally ill defendants from the jail and into community based treatment. Pre-Trial Diversion seeks to divert eligible offenders away from the criminal process.

“Mental Health” Diversion is available for incarcerated, probation-eligible defendants with a diagnosed behavioral health problem; it usually results in a conviction and sentence of probation. “Pre-Trial Diversion” is available for low-level, first-time offenders and results in dismissal of the charge(s) against the defendant.

- *Can a defendant qualify for both programs?*

Yes, but such cases are relatively rare. The principal goal of the Mental Health Program is to ensure that the County Jail does not function as a psychiatric hospital or homeless shelter of last resort. Under the terms of its funding, the services offered by the Mental Health Program are meant for the jail population exclusively. At the same time, defendants eligible for Pre-Trial Diversion (first-time offenders charged with low-level property offenses) are almost never incarcerated by the time their cases are bound over. As a result, there is very little overlap between the two programs.

- *What are the eligibility criteria for the Mental Health Diversion Program?*

In addition to the requirement that a defendant must be incarcerated in order to qualify for treatment under the Mental Health Program, a defendant must also have a diagnosed behavioral health issue (mental illness, serious emotional disturbance, or developmental disability) and be probation eligible.

The behavioral health determination is ultimately made by medical staff and social workers in the jail, but APA’s and defense attorneys can certainly do their part to help flag these cases. Developmental disability, in particular, might not be obviously apparent to jail staff during their screening process.

The determination of probation eligibility is, of course, made in the best interest of justice by the Prosecutor’s Office. As with any other case, this involves an analysis of the sentencing guidelines, the charge(s), and the wishes of the victim.

As a general rule, most property offenses and controlled substance offenses with “0” or straddle-cell guidelines will be eligible.

Under some circumstances, assaultive offenses will be considered, but only with the victim’s consent.

- *What is the procedure for referring a defendant for evaluation?*

Ideally, most eligible defendants are identified by the jail soon after booking. With the assistance of the Case Differentiation Unit, the Prosecutor’s Office is notified and the necessary paperwork is forwarded to the court. This includes a Participation Consent to be signed by the Defendant, a Referral for the jail, and a Plea Form specifying that the sentence will include Mental Health Treatment as a condition of probation.

For further information, please call William J. Heaphy, Jr. of the Wayne County Prosecutor’s Office (313-224-2887) or Ray Bennett of the Case Differentiation Unit (734-624-4195).

## Holmes Youthful Trainee Act

### **762.11. Assignment of individuals between ages of 17 and 21 to status of youthful trainee**

Sec. 11. (1) Except as provided in subsections (2) and (3), if an individual pleads guilty to a criminal offense, committed on or after the individual's seventeenth birthday but before his or her twenty-first birthday, the court of record having jurisdiction of the criminal offense may, without entering a judgment of conviction and with the consent of that individual, consider and assign that individual to the status of youthful trainee.

(2) Subsection (1) does not apply to any of the following:

(a) A felony for which the maximum penalty is imprisonment for life.

(b) A major controlled substance offense.

(c) A traffic offense.

(d) A violation, attempted violation, or conspiracy to violate section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, [MCL 750.520b](#), [750.520c](#), [750.520d](#), and [750.520e](#), other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, [MCL 750.520d](#) and [750.520e](#).

(e) A violation, attempted violation, or conspiracy to violate section 520g of the Michigan penal code, 1931 PA 328, [MCL 750.520g](#), with the intent to commit a violation of section 520b, 520c, 520d, or 520e of the Michigan penal code, 1931 PA 328, [MCL 750.520b](#), [750.520c](#), [750.520d](#), and [750.520e](#), other than section 520d(1)(a) or 520e(1)(a) of the Michigan penal code, 1931 PA 328, [MCL 750.520d](#) and [750.520e](#).

(3) The court shall not assign an individual to the status of youthful trainee if any of the following apply:

(a) The individual was previously convicted of or adjudicated for a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, [MCL 28.721](#) to [28.732](#).

(b) If the individual is charged with a listed offense for which registration is required under the sex offenders registration act, 1994 PA 295, [MCL 28.721](#) to [28.732](#), the individual fails to carry the burden of proving by clear and convincing evidence that he or she is not likely to engage in further listed offenses.

(c) The court determines that the offense involved any of the following:

(i) A factor set forth in section 520b(1)(a) to (h) of the Michigan penal code, 1931 PA 328, [MCL 750.520b](#).

- (ii) A factor set forth in section 520c(1)(a) to (l) of the Michigan penal code, 1931 PA 328, [MCL 750.520c](#).
- (iii) A factor set forth in section 520d(1)(b) to (e) of the Michigan penal code, 1931 PA 328, [MCL 750.520d](#).
- (iv) A factor set forth in section 520e(1)(b) to (f) of the Michigan penal code, 1931 PA 328, [MCL 750.520e](#).

(4) As used in this section:

(a) "Listed offense" means that term as defined in section 2 of the sex offenders registration act, 1994 PA 295, [MCL 28.722](#).

(b) "Traffic offense" means a violation of the Michigan vehicle code, 1949 PA 300, [MCL 257.1](#) to [257.923](#), or a violation of a local ordinance substantially corresponding to that act, that involves the operation of a vehicle and, at the time of the violation, is a felony or a misdemeanor.

Age at time of offense -

Defendant who received stolen property before his 20th birthday was eligible for youthful trainee status, even though his concealment of property continued until after his 20th birthday; all elements of charged offense were satisfied before defendant's 20th birthday. [People v. Gow \(1993\) 512 N.W.2d 34, 203 Mich.App. 94,](#)

Multiple Offenses -

Fact that defendant was convicted of more than one offense did not render him ineligible for youthful trainee status under Youthful Trainee Act (YTA). [People v. Harns \(1998\) 576 N.W.2d 700, 227 Mich.App. 573](#)

Must Plead Guilty -

Defendant who pled nolo contendere, rather than guilty, to criminal offenses was not eligible for youthful trainee status under Youthful Trainee Act (YTA). [People v. Harns \(1998\) 576 N.W.2d 700, 227 Mich.App. 573](#)

HYTA is available for misdemeanors -

Notwithstanding fact that district courts were nonexistent at time this section was initially enacted, district court had jurisdiction to assign youthful offender charged with first offense of operating motor vehicle while under influence of intoxicating liquor to status of youthful trainee under this section. [People v. Mahler \(1986\) 402 N.W.2d 93, 156 Mich.App. 799](#)

## Holmes Youthful Trainee Act

### **762.13. Commitment; probation; work or educational release; probation supervision fee; registration under sex offenders registration act**

Sec. 13. (1) If an individual is assigned to the status of a youthful trainee and the underlying charge is an offense punishable by imprisonment for a term of more than 1 year, the court shall do 1 of the following:

(a) Commit the individual to the department of corrections for custodial supervision and training for not more than 3 years in an institutional facility designated by the department for that purpose.

(b) Place the individual on probation for not more than 3 years subject to probation conditions as provided in section 3 of chapter XI. Beginning January 1, 2005, the terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1060](#) to [600.1082](#).

(c) Commit the individual to the county jail for not more than 1 year.

(2) If an individual is assigned to the status of youthful trainee and the underlying charge is for an offense punishable by imprisonment for 1 year or less, the court shall place the individual on probation for not more than 2 years, subject to probation conditions as provided in section 3 of chapter XI.

(3) An individual placed on probation pursuant to this section shall be under the supervision of a probation officer. Upon commitment to and receipt by the department of corrections, a youthful trainee shall be subject to the direction of the department of corrections.

(4) If an individual is committed to the county jail under subsection (1)(c) or as a probation condition, the court may authorize work release or release for educational purposes.

(5) The court shall include in each order of probation for an individual placed on probation under this section that the department of corrections shall collect a probation supervision fee of not more than \$135.00 multiplied by the number of months of probation ordered, but not more than 36 months. The fee is payable when the probation order is entered, but the fee may be paid in monthly installments if the court approves installment payments for that probationer. In determining the amount of the fee, the court shall consider the probationer's projected income and financial resources. The court shall use the following table of projected monthly income in determining the amount of the fee to be ordered . . .

### **333.7411. Probation without judgment of guilt; violation of probation; discharge and dismissal; records; drug abuse education; rehabilitative program**

(1) When an individual who has not previously been convicted of an offense under this article or under any statute of the United States or of any state relating to narcotic drugs, coca leaves, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under section 7403(2)(a)(v), 7403(2)(b), (c), or (d), [\[FN1\]](#) or of use of a controlled substance under section 7404, [\[FN2\]](#) or possession or use of an imitation controlled substance under section 7341 [\[FN3\]](#) for a second time, the court, without entering a judgment of guilt with the consent of the accused, may defer further proceedings and place the individual on probation upon terms and conditions that shall include, but are not limited to, payment of a probation supervision fee as prescribed in section 3c of chapter XI of the code of criminal procedure, 1927 PA 175, [MCL 771.3c](#). The terms and conditions of probation may include participation in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1060](#) to [600.1082](#). Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and, except as provided in subsection (2)(b), is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section 7413. [\[FN4\]](#) There may be only 1 discharge and dismissal under this section as to an individual.□□

(2) The records and identifications division of the department of state police shall retain a nonpublic record of an arrest and discharge or dismissal under this section. This record shall be furnished to any or all of the following:□□

(a) To a court, police agency, or office of a prosecuting attorney upon request for the purpose of showing that a defendant in a criminal action involving the possession or use of a controlled substance, or an imitation controlled substance as defined in section 7341, covered in this article has already once utilized this section.□□

(b) To a court, police agency, or prosecutor upon request for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under section 1076(4) of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1076](#).□□

(c) To the state department of corrections, a law enforcement agency, a court, or the office of a prosecuting attorney upon request of the department, law enforcement agency, court, or office of a prosecuting attorney, subject to all of the following conditions:□□

(i) At the time of the request, the individual is an employee of the department, law enforcement agency, court, or office of prosecuting attorney or an applicant for employment with the department, law enforcement agency, court, or office of prosecuting attorney. □ □

(ii) If the individual is an employee of the department, law enforcement agency, court, or prosecuting attorney, the date on which the court placed the individual on probation occurred after March 25, 2002. □

(iii) The record shall be used by the department of corrections, law enforcement agency, court, or prosecuting attorney only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment. □ □

(3) For purposes of this section, a person subjected to a civil fine for a first violation of section 7341(4) shall not be considered to have previously been convicted of an offense under this article. □ □

(4) Except as provided in subsection (5), if an individual is convicted of a violation of this article, other than a violation of section 7401(2)(a)(i) to (iv) or section 7403(2)(a)(i) to (iv), the court as part of the sentence, during the period of confinement or the period of probation, or both, may require the individual to attend a course of instruction or rehabilitation program approved by the department on the medical, psychological, and social effects of the misuse of drugs. The court may order the individual to pay a fee, as approved by the director, for the instruction or program. Failure to complete the instruction or program shall be considered a violation of the terms of probation. □ □

(5) If an individual is convicted of a second violation of section 7341(4), before imposing sentence under subsection (1), the court shall order the person to undergo screening and assessment by a person or agency designated by the office of substance abuse services, to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. As part of the sentence imposed under subsection (1), the court may order the person to participate in and successfully complete 1 or more appropriate rehabilitative programs. The person shall pay for the costs of the screening, assessment, and rehabilitative services. Failure to complete a program shall be considered a violation of the terms of the probation. □

## **769.4a. Deferral of proceedings and placement of accused on probation; proceedings upon violation of probation; conditions of probation; imprisonment; work or school release; adjudication of guilt and subsequent proceedings; discharge and dismissal**

Sec. 4a. (1) When an individual who has not been convicted previously of an assaultive crime pleads guilty to, or is found guilty of, a violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, [MCL 750.81](#) and [750.81a](#), and the victim of the assault is the offender's spouse or former spouse, an individual who has had a child in common with the offender, an individual who has or has had a dating relationship with the offender, or an individual residing or having resided in the same household as the offender, the court, without entering a judgment of guilt and with the consent of the accused and of the prosecuting attorney in consultation with the victim, may defer further proceedings and place the accused on probation as provided in this section. However, before deferring proceedings under this subsection, the court shall contact the department of state police and determine whether, according to the records of the department of state police, the accused has previously been convicted of an assaultive crime or has previously availed himself or herself of this section. If the search of the records reveals an arrest for an assaultive crime but no disposition, the court shall contact the arresting agency and the court that had jurisdiction over the violation to determine the disposition of that arrest for purposes of this section.

(2) Upon a violation of a term or condition of probation, the court may enter an adjudication of guilt and proceed as otherwise provided in this chapter.

(3) An order of probation entered under subsection (1) may include any condition of probation authorized under section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, [MCL 771.3](#), including, but not limited to, requiring the accused to participate in a mandatory counseling program. The court may order the accused to pay the reasonable costs of the mandatory counseling program. The court also may order the accused to participate in a drug treatment court under chapter 10A of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1060](#) to [600.1082](#). The court may order the defendant to be imprisoned for not more than 12 months at the time or intervals, which may be consecutive or nonconsecutive and within the period of probation, as the court determines. However, the period of imprisonment shall not exceed the maximum period of imprisonment authorized for the offense if the maximum period is less than 12 months. The court may permit day parole as authorized under 1962 PA 60, [MCL 801.251](#) to [801.258](#). The court may permit a work or school release from jail.

(4) The court shall enter an adjudication of guilt and proceed as otherwise provided in this chapter if any of the following circumstances exist:

(5) Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this

section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.□□

(6) There may be only 1 discharge and dismissal under this section with respect to any individual. The department of state police shall retain a nonpublic record of an arrest and discharge and dismissal under this section. This record shall be furnished to a court or police agency upon request pursuant to subsection (1) or to an office of prosecuting attorney for the purpose of showing that a defendant in a criminal action under section 81 or 81a of the Michigan penal code, 1931 PA 328, [MCL 750.81](#) and [750.81a](#), or a local ordinance substantially corresponding to section 81 of that act has already once availed himself or herself of this section or for the purpose of determining whether the defendant in a criminal action is eligible for discharge and dismissal of proceedings by a drug treatment court under section 1076(5) of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1076](#).□□

(7) As used in this section:□□

(a) "Assaultive crime" means 1 or more of the following:□□

(i) That term as defined in section 9a of chapter X.

(ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, [MCL 750.81](#) to [750.90g](#).□□

(iii) A violation of a law of another state or of a local ordinance of a political subdivision of this state or of another state substantially corresponding to a violation described in subparagraph (i) or (ii).□□

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