

HOUSE BILL No. 6442

September 7, 2006, Introduced by Rep. Palsrok and referred to the Committee on Family and Children Services.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 15c of chapter IV (MCL 764.15c), as amended by 2001 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IV

Sec. 15c. (1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section. The notice shall be written and shall include all of the following:

- (a) The name and telephone number of the responding police agency.
- (b) The name and badge number of the responding peace officer.
- (c) Substantially the following statement:

1 "You may obtain a copy of the police incident report for your
2 case by contacting this law enforcement agency at the telephone
3 number provided.

4 The domestic violence shelter program and other resources in
5 your area are (include local information).

6 Information about emergency shelter, counseling services, and
7 the legal rights of domestic violence victims is available from
8 these resources.

9 Your legal rights include the right to go to court and file a
10 petition requesting a personal protection order to protect you or
11 other members of your household from domestic abuse which could
12 include restraining or enjoining the abuser from doing the
13 following:

14 (a) Entering onto premises.

15 (b) Assaulting, attacking, beating, molesting, or wounding
16 you.

17 (c) Threatening to kill or physically injure you or another
18 person.

19 (d) Removing minor children from you, except as otherwise
20 authorized by a custody or parenting time order issued by a court
21 of competent jurisdiction.

22 (e) Engaging in stalking behavior.

23 (f) Purchasing or possessing a firearm.

24 (g) Interfering with your efforts to remove your children or
25 personal property from premises that are solely owned or leased by
26 the abuser.

27 (h) Interfering with you at your place of employment or

1 education or engaging in conduct that impairs your employment
2 relationship or your employment or educational environment.

3 (i) Engaging in any other specific act or conduct that imposes
4 upon or interferes with your personal liberty or that causes a
5 reasonable apprehension of violence.

6 (j) Having access to information in records concerning any
7 minor child you have with the abuser that would inform the abuser
8 about your address or telephone number, the child's address or
9 telephone number, or your employment address.

10 Your legal rights also include the right to go to court and
11 file a motion for an order to show cause and a hearing if the
12 abuser is violating or has violated a personal protection order and
13 has not been arrested.".

14 (2) The peace officer shall prepare a domestic violence report
15 after investigating or intervening in a domestic violence incident.
16 Effective October 1, 2002, a peace officer shall use the standard
17 domestic violence incident report form developed under subsection
18 (4) or a form substantially similar to that standard form to report
19 a domestic violence incident. The report shall contain, but is not
20 limited to containing, all of the following:

21 (a) The address, date, and time of the incident being
22 investigated.

23 (b) The victim's name, address, home and work telephone
24 numbers, race, sex, and date of birth.

25 (c) The suspect's name, address, home and work telephone
26 numbers, race, sex, date of birth, and information describing the
27 suspect and whether an injunction or restraining order covering the

1 suspect exists.

2 (d) The name, address, home and work telephone numbers, race,
3 sex, and date of birth of any witness, including a child of the
4 victim or suspect, and the relationship of the witness to the
5 suspect or victim.

6 (e) The following information about the incident being
7 investigated:

8 (i) The name of the person who called the law enforcement
9 agency.

10 (ii) The relationship of the victim and suspect.

11 (iii) Whether alcohol or controlled substance use was involved
12 in the incident, and by whom it was used.

13 (iv) A brief narrative describing the incident and the
14 circumstances that led to it.

15 (v) Whether and how many times the suspect physically
16 assaulted the victim and a description of any weapon or object
17 used.

18 (vi) A description of all injuries sustained by the victim and
19 an explanation of how the injuries were sustained.

20 (vii) If the victim sought medical attention, information
21 concerning where and how the victim was transported, whether the
22 victim was admitted to a hospital or clinic for treatment, and the
23 name and telephone number of the attending physician.

24 (viii) A description of any property damage reported by the
25 victim or evident at the scene.

26 (f) A description of any previous domestic violence incidents
27 between the victim and the suspect.

1 (g) The date and time of the report and the name, badge
2 number, and signature of the peace officer completing the report.

3 (3) The law enforcement agency shall retain the completed
4 domestic violence report in its files. The law enforcement agency
5 shall also file a copy of the completed domestic violence report
6 with the prosecuting attorney within 48 hours after the domestic
7 violence incident is reported to the law enforcement agency. **IF THE**
8 **DOMESTIC VIOLENCE INCIDENT OCCURRED IN A HOME WHERE A CHILD UNDER**
9 **18 YEARS OF AGE RESIDES OR IF THE DOMESTIC VIOLENCE INCIDENT**
10 **OCCURRED BETWEEN INDIVIDUALS WHO HAVE A CHILD UNDER 18 YEARS OF AGE**
11 **IN COMMON OR BOTH INDIVIDUALS RESIDE IN THE SAME HOUSEHOLD AS A**
12 **CHILD UNDER 18 YEARS OF AGE, THE LAW ENFORCEMENT AGENCY SHALL FILE**
13 **A COPY OF THE COMPLETED DOMESTIC VIOLENCE REPORT WITH THE**
14 **DEPARTMENT OF HUMAN SERVICES IMMEDIATELY AFTER THE INVESTIGATION IS**
15 **COMPLETED.**

16 (4) By June 1, 2002, the department of state police shall
17 develop a standard domestic violence incident report form.

18 (5) As used in this section:

19 (a) "Dating relationship" means that term as defined in
20 section 2950 of the revised judicature act of 1961, 1961 PA 236,
21 MCL 600.2950.

22 (b) "Domestic violence incident" means an incident reported to
23 a law enforcement agency involving allegations of 1 or both of the
24 following:

25 (i) A violation of a personal protection order issued under
26 section 2950 of the revised judicature act of 1961, 1961 PA 236,
27 MCL 600.2950, or a violation of a valid foreign protection order.

1 (ii) A crime committed by an individual against his or her
2 spouse or former spouse, an individual with whom he or she has had
3 a child in common, an individual with whom he or she has or has had
4 a dating relationship, or an individual who resides or has resided
5 in the same household.

6 (c) "Foreign protection order" means that term as defined in
7 section 2950h of the revised judicature act of 1961, 1961 PA 236,
8 MCL 600.2950h.

9 (d) "Valid foreign protection order" means a foreign
10 protection order that satisfies the conditions for validity
11 provided in section 2950i of the revised judicature act of 1961,
12 1961 PA 236, MCL 600.2950i.