

HOUSE BILL No. 5664

March 11, 1998, Introduced by Reps. Baird, Scranton, Richner, Nye, Dobb, Cropsey, Curtis, Rocca, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Murphy, Scott, Johnson, Middleton, Bobier, Galloway, Bodem, Geiger, Llewellyn, Gilmer, Oxender, Walberg, Birkholz, Crissman, Cassis and Jellema and referred to the Committee on Judiciary.

A bill to amend 1978 PA 389, entitled

"An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services,"

by amending the title and section 1 (MCL 400.1501).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the prevention and treatment of domes-
3 tic violence; to develop and establish policies, procedures, and
4 standards for providing domestic violence assistance programs and
5 services; to create a domestic violence prevention and treatment
6 board and prescribe its powers and duties; to establish a
7 domestic violence prevention and treatment fund and provide for

1 its use; and to prescribe powers and duties of the ~~department of~~
2 ~~social services~~ FAMILY INDEPENDENCE AGENCY,"

3 Sec. 1. As used in this act:

4 (a) "Board" means the domestic violence prevention and
5 treatment board created in section 2.

6 (B) "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE ASSOCIA-
7 TIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONAL
8 INVOLVEMENT. DATING RELATIONSHIP DOES NOT INCLUDE A CASUAL RELA-
9 TIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 INDIVIDUALS IN A
10 BUSINESS OR SOCIAL CONTEXT.

11 (C) ~~(b)~~ "Department" means the ~~department of social~~
12 ~~services~~ FAMILY INDEPENDENCE AGENCY.

13 (D) ~~(c)~~ "Domestic violence" means ~~a violent physical~~
14 ~~attack or fear of violent physical attack perpetrated by an assa-~~
15 ~~ilant against a victim; in which the victim is a person assaulted~~
16 ~~by or threatened by assault by his or her spouse or former spouse~~
17 ~~or an adult person or emancipated minor assaulted by an adult~~
18 ~~person of the opposite sex with whom the assaulted person cohab-~~
19 ~~its or formerly cohabited; and in which the victim and assailant~~
20 ~~are or were involved in a consenting, sexual relationship.~~ THE
21 OCCURRENCE OF ANY OF THE FOLLOWING ACTS BY A PERSON THAT IS NOT
22 AN ACT OF SELF-DEFENSE:

23 (i) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL OR MENTAL HARM
24 TO A FAMILY OR HOUSEHOLD MEMBER.

25 (ii) PLACING A FAMILY OR HOUSEHOLD MEMBER IN FEAR OF PHYSI-
26 CAL OR MENTAL HARM.

1 (iii) CAUSING OR ATTEMPTING TO CAUSE A FAMILY OR HOUSEHOLD
2 MEMBER TO ENGAGE IN INVOLUNTARY SEXUAL ACTIVITY BY FORCE, THREAT
3 OF FORCE, OR DURESS.

4 (iv) ENGAGING IN ACTIVITY TOWARD A FAMILY OR HOUSEHOLD
5 MEMBER THAT WOULD CAUSE A REASONABLE PERSON TO FEEL TERRORIZED,
6 FRIGHTENED, INTIMIDATED, THREATENED, HARASSED, OR MOLESTED.

7 (E) "FAMILY OR HOUSEHOLD MEMBER" INCLUDES ANY OF THE
8 FOLLOWING:

9 (i) A SPOUSE OR FORMER SPOUSE.

10 (ii) AN INDIVIDUAL WITH WHOM THE PERSON RESIDES OR HAS
11 RESIDED.

12 (iii) AN INDIVIDUAL WITH WHOM THE PERSON HAS OR HAS HAD A
13 DATING RELATIONSHIP.

14 (iv) AN INDIVIDUAL WITH WHOM THE PERSON IS OR HAS ENGAGED IN
15 A SEXUAL RELATIONSHIP.

16 (v) AN INDIVIDUAL TO WHOM THE PERSON IS RELATED OR WAS
17 FORMERLY RELATED BY MARRIAGE.

18 (vi) AN INDIVIDUAL WITH WHOM THE PERSON HAS A CHILD IN
19 COMMON.

20 (vii) THE MINOR CHILD OF AN INDIVIDUAL DESCRIBED IN SUBPARA-
21 GRAPHS (i) TO (vi).

22 (F) ~~(d)~~ "Fund" means the domestic violence prevention and
23 treatment fund created in section 5.

24 (G) ~~(e)~~ "Prime sponsor" means a county, city, village, or
25 township of this state, or a combination thereof, or a private,
26 nonprofit association or organization.

1 Enacting section 1. This amendatory act takes effect
2 September 1, 1998.