



Telephone 373-8080
Fax 373-5874

HOUSE FISCAL AGENCY

124 N. Capitol Avenue
4 – North, HOB Lansing, MI

SB729	SUBSTITUTE	Sponsor: Sen. Beverly Hammerstrom
H-1		Committee: CRIMINAL JUSTICE
SB753	AS REPORTED WITH AMENDMENT(S)	Sponsor: Sen. Shirley Johnson
		Committee:
SB754	SUBSTITUTE	Sponsor: Sen. Beverly Hammerstrom
H-1		Committee:
SB757	AS REPORTED WITH AMENDMENT(S)	Sponsor: Sen. Beverly Hammerstrom
		Committee: CRIMINAL JUSTICE
SB758	AS REPORTED WITH AMENDMENT(S)	Sponsor: Sen. Shirley Johnson
		Committee: CRIMINAL JUSTICE
Analyst(s): Peterson, Marilyn		Completed: 12/4/01

State Fiscal Impact

Cost: Please See Below
Revenues: Please See Below

Local Fiscal Impact

Cost: Please See Below
Revenues: Please See Below

Senate Bills 729, 753, 754, 757, and 758 constitute part of a package of legislation to provide "full faith and credit" to "foreign" personal protection orders (PPOs), which would be personal protection orders issued by a court in another state, indian tribe, or United States territory. Although the federal Violence Against Women Act (reauthorized in 2000) specifies that any protection order issued by state, tribal, or territorial court be accorded full faith and credit by other states, tribes, and territories, the provision is not self-executing: the extent and manner in which out-of-state protection orders are enforced is determined by the law in each state. While provisions for full faith and credit are not a prerequisite for funding under various federal domestic violence grant programs, the federal act does require that priority in certain grants (such as Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program, awarded to law enforcement agencies and courts) be given to applicants that demonstrate a commitment to strong enforcement of protection orders from other states and jurisdictions.

Overall, the package would have an indeterminate fiscal impact, depending on how the bills affected state and local workloads and funding opportunities. There are no data indicating how many people in Michigan might be protected by a foreign PPO. However, provisions assuring enforcement of foreign personal protection orders would tend to increase

workloads and attendant costs for affected courts and law enforcement agencies, although grant availability could help to offset costs in a limited number of jurisdictions.

Senate Bill 729 would amend the Revised Judicature Act to provide for recognition of valid foreign protection orders as defined by the bill; to specify that "full faith and credit" be accorded to valid foreign PPOs, and to require law enforcement officers, prosecutors, and courts to enforce valid foreign PPOs in the same manner as those issued in Michigan. The bill also would specify procedures for law enforcement officers charged with enforcing foreign PPOs. The bill thus could increase workloads for local courts and law enforcement agencies to an extent dependent on the numbers of foreign protection orders needing enforcement.

Senate Bill 753 would amend the Code of Criminal Procedure to authorize warrantless arrests for violation of valid PPOs issued by another state, territory, or Indian tribe. This expansion of the arrest authority would have no direct fiscal impact on local law enforcement; however, if arrests led to increased use of jail or other sanctions for the arrested offenders, the bill could increase local correctional costs or otherwise affect utilization of local law enforcement and correctional resources.

Senate Bill 754 would amend the Code of Criminal Procedure to include violation of a valid foreign protection order within the definition of "domestic violence incident," thus extending to such incidents special provisions for victim notifications and police reports. Because the bill would extend existing requirements to foreign PPOs, it would have no direct fiscal impact on the state or local units of government.

Senate Bill 757 would amend the juvenile code to provide the family court with jurisdiction over valid foreign PPOs issued against juveniles, and to authorize local juvenile authorities to take a juvenile into custody upon reasonable cause to believe that the juvenile was violating or had violated a valid foreign PPO. The "reasonable cause" standard also would be applied to current authority to enforce PPOs issued in Michigan. Under the bill, expanded caseloads could increase court costs and demand for detention services, which could increase state and local costs.

Senate Bill 758 would amend the Code of Criminal Procedure to authorize a warrantless arrest upon reasonable cause to believe that an individual had violated one or more conditions of a conditional release order imposed by a court. This expansion of the arrest authority would have no direct fiscal impact on local law enforcement; however, if arrests led to increased use of jail or other sanctions for the arrested offenders, the bill could increase local correctional costs or otherwise affect utilization of local law enforcement and correctional resources.