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HOUSE FISCAL AGENCY

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HB5275	SUBSTITUTE	Sponsor: Rep. Jennifer Faunce
H-1		Committee: CRIMINAL JUSTICE
HB5299	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Douglas Bovin
		Committee: CRIMINAL JUSTICE
HB5300	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Ruth Johnson
		Committee: CRIMINAL JUSTICE
HB5301	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Michael Kowall
		Committee: CRIMINAL JUSTICE
HB5302	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Glenn Anderson
		Committee: CRIMINAL JUSTICE
HB5303	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Mickey Mortimer
		Committee: CRIMINAL JUSTICE
HB5304	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Jerry O. Kooiman
		Committee: CRIMINAL JUSTICE
HB5305	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Jim Howell
		Committee: CRIMINAL JUSTICE
HB5306	AS REPORTED WITH AMENDMENT(S)	Sponsor: Rep. Mary Waters
		Committee: CRIMINAL JUSTICE
Analyst(s):	Peterson, Marilyn Jen, Kyle Black, Erin	Completed: 10/31/01

State Fiscal Impact

Cost: Please See Below
Revenues: Please See Below

Local Fiscal Impact

Cost: Please See Below
Revenues: Please See Below

House Bills 5275 and 5299 through 5306 constitute a package of legislation to provide "full faith and credit" to personal protection orders issued outside of Michigan. Although the federal Violence Against Women Act (reauthorized in 2000) specifies that any protection order issued by state or tribal 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 - that is, a PPO issued in another state or territory, or by a tribal court. 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.

House Bill 5275 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.

House Bill 5299 would amend the Revised Judicature Act to specify that upon service, a Michigan PPO in a domestic relations matter may be enforced by another state, an Indian tribe, or a U.S. territory. Enforcement of Michigan PPO in another jurisdiction would be subject to the procedures and penalties of that jurisdiction. The bill would have no fiscal impact on the state or local units of government.

House Bill 5300 would amend the Revised Judicature Act to specify that upon service, a non-domestic relationship PPO issued in Michigan may be enforced by another state, an Indian tribe, or a U.S. territory. Enforcement of Michigan PPO in another jurisdiction would be subject to the procedures and penalties of that jurisdiction. The bill would have no fiscal impact on the state or local units of government.

House Bill 5301 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.

House Bill 5302 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.

House Bill 5303 would amend the Revised Judicature Act to prohibit filing fees in civil actions brought in connection with foreign PPOs, and to prohibit motion fees for a motion to dismiss a foreign PPO or a motion to show cause for a violation of a valid foreign protection order. The bill thus could increase the extent to which court resources were directed toward resolving certain matters without accompanying fee revenue.

House Bill 5304 would amend the Code of Criminal Procedure to require each police agency in Michigan to develop and implement written procedures for enforcement of valid foreign protection orders. Because the bill would extend existing

requirements for such policies to foreign PPOs, it would have no direct fiscal impact on the state or local units of government.

House Bill 5305 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.

House Bill 5306 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.