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**SFA****BILL ANALYSIS**

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Senate Bills 751 through 758 (Substitutes S-1 as reported)  
Sponsor: Senator Bev Hammerstrom (Senate Bills 751, 754, & 757)  
Senator Shirley Johnson (Senate Bills 752, 753, & 758)  
Senator Bob Emerson (Senate Bill 755)  
Senator George Z. Hart (Senate Bill 756)  
Committee: Judiciary

## **CONTENT**

The bills would amend several statutes to provide for the interstate enforcement of personal protection orders (PPOs). The bills would take effect on April 1, 2002, and are tie-barred to Senate 729, which would require Michigan courts to give full faith and credit to foreign protection orders.

Senate Bills 751 (S-1) and 752 (S-1) would amend the Revised Judicature Act (RJA) to provide for the out-of-state enforcement of a PPO restraining or enjoining domestic violence or stalking activity. The bills specify that a PPO would be effective and enforceable anywhere in Michigan when signed by a judge and that, upon service, a PPO also could be enforced by another state, an Indian tribe, or a U.S. territory. The bills would require a PPO to indicate that, if the respondent violated the PPO in a jurisdiction other than Michigan, he or she would be subject to the enforcement procedures and penalties of that state, Indian tribe, or U.S. territory.

In addition, under Senate Bill 751 (S-1), a court could not issue a domestic violence PPO if the respondent were under 10 years old.

Senate Bill 753 (S-1) would amend the Code of Criminal Procedure to include a valid foreign protection order (FPO) in provisions pertaining to the enforcement of a PPO restraining or enjoining domestic violence or stalking activity. Under the Code, a peace officer may arrest an individual without a warrant when the officer has reasonable cause to believe that a PPO has been issued. The bill would add to that authorization reasonable cause to believe that a PPO was a valid foreign protection order.

In addition, the Code provides that the family division of circuit court (family court) has jurisdiction to conduct contempt proceedings based on a PPO violation. If the issuing court requests the defendant's return, the county of that court must bear the transportation costs. The bill would include a violation of a valid FPO in those provisions.

Senate Bill 754 (S-1) would amend the Code of Criminal Procedure to expand the definition of "domestic violence incident" in a provision that requires a peace officer to provide specific information to a victim of domestic violence and to prepare a report after a domestic violence incident. Currently, "domestic violence incident" means an incident reported to a law enforcement agency involving allegations of a violation of a PPO restraining or enjoining acts of domestic violence and/or a crime committed by an individual against his or her spouse or former spouse, an individual with whom he or she has had a child, or an individual who resides or formerly resided in the same household. The bill also would refer to a violation of a valid FPO.

Senate Bill 755 (S-1) would amend the RJA to exclude from requirements for court filing fees and motion fees an action for the enforcement of a foreign protection order under Senate Bill

729 (S-1). Currently, an action brought exclusively for domestic violence or stalking PPOs is exempt from the \$62 filing fee. Under the bill, an action brought exclusively to enforce a valid FPO also would be exempt.

The RJA also provides that, in conjunction with an action relating to a domestic violence or stalking PPO, a \$20 motion fee is not to be collected for a motion to dismiss the petition, a motion to modify, rescind, or terminate a PPO, or a motion to show cause for a violation of a PPO. Under the bill, that fee also could not be collected for a motion to dismiss a proceeding to enforce a foreign protection order or a motion to show cause for a violation of an FPO.

Senate Bill 756 (S-1) would amend the Code of Criminal Procedure to provide that each police agency's written policies for police officers responding to domestic violence calls would have to include procedures for enforcing a valid foreign protection order.

Senate Bill 757 (S-1) would amend the juvenile code to provide for the family court's jurisdiction over a proceeding to enforce a valid FPO issued against a respondent who was less than 18 years of age; allow the family court to issue an order authorizing a peace officer or other person designated by the court to apprehend a juvenile who was alleged to have violated a valid FPO; and allow any police officer, county agent, or probation officer, without an order of the family court, to take into custody any child for whom there was reasonable cause to believe was violating or had violated a valid FPO.

In addition, a domestic violence or stalking PPO could not be issued under the juvenile code against a respondent who was under 10 years old.

Senate Bill 758 (S-1) would amend the Code of Criminal Procedure to allow a peace officer to arrest a person without a warrant if the officer had reasonable cause to believe that the person had violated one or more conditions of a conditional release order imposed by a court.

MCL 600.2950 (S.B. 751)  
600.2950a (S.B. 752)  
764.15b (S.B. 753)  
764.15c (S.B. 754)  
600.2529 (S.B. 755)  
776.22 (S.B. 756)  
712A.1 et al. (S.B. 757)  
764.15 (S.B. 758)

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The State Court Administrative Office reports that there were 49,932 personal protection order cases filed in 2000. Potential enforcement costs resulting from the bills are indeterminate, and would depend on the additional case filings to enforce foreign protection orders.

The bills would have an indeterminate fiscal impact on the Family Independence Agency and on local units of government. Expanding the types of applicable protection orders could increase the number of cases served by State-contracted or locally contracted detention service providers.

Date Completed: 11-5-01

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.