

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5275 (Substitute S-2 as reported)  
Sponsor: Representative Jennifer Faunce  
House Committee: Criminal Justice  
Senate Committee: Judiciary

## **CONTENT**

The bill would amend the Revised Judicature Act to provide for the enforcement of a foreign protection order (FPO) under Senate Bill 729 (which provides that an FPO would be an injunction issued by a court of another state, Indian tribe, or U.S. territory to prevent violent or threatening acts against, harassment of, contact with, communication with, or physical proximity to another person). The bill would take effect on April 1, 2002, and is tie-barred to Senate Bills 729, 753, 754, 757, and 758 and House Bills 5299, 5300, 5303, and 5304.

Law enforcement officials would have to enforce an FPO as they would enforce a Michigan-issued personal protection order (PPO). A law enforcement officer could rely upon a copy of an order that appeared to be an FPO, if it appeared to contain the names of the parties, the date of issue, the terms and conditions, the issuing court, and the signature of a judicial officer, and if there were no obvious indication that the order was invalid. An officer could rely upon the petitioner's statement that the order was in effect and the respondent had received notice of it. If a person seeking enforcement of an FPO did not have a copy of the order, the officer would have to attempt to verify its existence and enforce the FPO if it were verified. If there were no evidence that the respondent had been served with or received notice of the FPO, the law enforcement officer would have to serve the respondent with a copy of the order, or advise him or her about its existence, and the respondent would have to be given an opportunity to comply with the order before the officer made an arrest for violating it.

A law enforcement officer, prosecutor, or court personnel acting in good faith would be immune from civil and criminal liability in any action arising from the enforcement of an FPO.

Proposed MCL 600.2950l & 600.2950m

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

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

Jails. To the extent that they could increase the number of people held in local facilities for contempt of court for violating a PPO, the bills could have an increased fiscal impact on local units. The cost of incarceration in a local facility varies between \$27 and \$62 per day.

Family Independence Agency. It appears that the bills would have an indeterminate fiscal impact on the State 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: 12-11-01

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