

**SB 733, As Passed Senate, November 8, 2001**

**SUBSTITUTE FOR  
SENATE BILL NO. 733**

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** CHAPTER VIII

**2** SEC. 27B. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), IF THE  
**3** DEFENDANT IS ACCUSED OF COMMITTING A CRIME INVOLVING DOMESTIC  
**4** VIOLENCE OR VIOLATING A PERSONAL PROTECTION ORDER AND THE VICTIM  
**5** IS THE DEFENDANT'S SPOUSE, FORMER SPOUSE, AN INDIVIDUAL WITH WHOM  
**6** THE DEFENDANT HAS HAD A CHILD IN COMMON, AN INDIVIDUAL WITH WHOM  
**7** THE DEFENDANT HAS OR HAS HAD A DATING RELATIONSHIP, OR A RESIDENT  
**8** OR FORMER RESIDENT OF THE SAME HOUSEHOLD AS THE DEFENDANT, EVI-  
**9** DENCE OF THE DEFENDANT'S COMMISSION OF OTHER ACTS OF DOMESTIC  
**10** VIOLENCE IS ADMISSIBLE AND NOT PROHIBITED BY MICHIGAN RULE OF  
**11** EVIDENCE 404.

**SB 733, As Passed Senate, November 8, 2001**

Senate Bill No. 733

2

1 (2) IN AN ACTION IN WHICH EVIDENCE IS OFFERED UNDER THIS  
2 SECTION, THE PROSECUTION SHALL DISCLOSE THE EVIDENCE TO THE  
3 DEFENDANT, INCLUDING A WITNESS STATEMENT OR A SUMMARY OF THE SUB-  
4 STANCE OF TESTIMONY THAT IS EXPECTED TO BE OFFERED.

5 (3) THIS SECTION DOES NOT LIMIT OR PRECLUDE ADMITTING OR  
6 CONSIDERING EVIDENCE UNDER ANY OTHER STATUTE, RULE OF EVIDENCE,  
7 OR CASE LAW.

8 (4) EVIDENCE OF AN ACT OCCURRING MORE THAN 10 YEARS BEFORE  
9 THE CHARGED OFFENSE IS INADMISSIBLE UNDER THIS SECTION, UNLESS  
10 THE COURT DETERMINES THAT ADMITTING THIS EVIDENCE IS IN THE  
11 INTEREST OF JUSTICE.

12 (5) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS AN  
13 OCCURRENCE OF 1 OR MORE OF THE FOLLOWING ACTS BY THE DEFENDANT  
14 THAT IS NOT AN ACT OF SELF-DEFENSE:

15 (A) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL OR MENTAL HARM  
16 TO A SPOUSE, FORMER SPOUSE, AN INDIVIDUAL WITH WHOM THE DEFENDANT  
17 HAS HAD A CHILD IN COMMON, AN INDIVIDUAL WITH WHOM THE DEFENDANT  
18 HAS OR HAS HAD A DATING RELATIONSHIP, OR A RESIDENT OR FORMER  
19 RESIDENT OF THE SAME HOUSEHOLD AS THE DEFENDANT.

20 (B) PLACING A SPOUSE, FORMER SPOUSE, AN INDIVIDUAL WITH WHOM  
21 THE DEFENDANT HAS HAD A CHILD IN COMMON, AN INDIVIDUAL WITH WHOM  
22 THE DEFENDANT HAS OR HAS HAD A DATING RELATIONSHIP, OR A RESIDENT  
23 OR FORMER RESIDENT OF THE SAME HOUSEHOLD AS THE DEFENDANT, IN  
24 FEAR OF PHYSICAL OR MENTAL HARM.

25 (C) CAUSING OR ATTEMPTING TO CAUSE A SPOUSE, FORMER SPOUSE,  
26 AN INDIVIDUAL WITH WHOM THE DEFENDANT HAS HAD A CHILD IN COMMON,  
27 AN INDIVIDUAL WITH WHOM THE DEFENDANT HAS OR HAS HAD A DATING

**SB 733, As Passed Senate, November 8, 2001**

Senate Bill No. 733

3

1 RELATIONSHIP, OR A RESIDENT OR FORMER RESIDENT OF THE SAME  
2 HOUSEHOLD AS THE DEFENDANT, TO ENGAGE IN INVOLUNTARY SEXUAL  
3 ACTIVITY BY FORCE, THREAT OF FORCE, OR DURESS.

4 (D) ENGAGING IN ACTIVITY TOWARD A SPOUSE, FORMER SPOUSE, AN  
5 INDIVIDUAL WITH WHOM THE DEFENDANT HAS HAD A CHILD IN COMMON, AN  
6 INDIVIDUAL WITH WHOM THE DEFENDANT HAS OR HAS HAD A DATING RELA-  
7 TIONSHIP, OR A RESIDENT OR FORMER RESIDENT OF THE SAME HOUSEHOLD  
8 AS THE DEFENDANT, THAT WOULD CAUSE A REASONABLE PERSON TO FEEL  
9 TERRORIZED, FRIGHTENED, INTIMIDATED, THREATENED, HARASSED, OR  
10 MOLESTED.