



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5968 (Substitute S-1 as reported)
Sponsor: Representative Tonya Schuitmaker
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to do the following in regard to the deferral and dismissal of domestic assault proceedings:

- Allow a deferral and dismissal only for an offender who had not previously been convicted of an "assaultive crime", rather than an offender who has not previously been convicted of assault or aggravated assault.
- Specify that a probation order could include any condition of probation authorized under the Code.
- Allow the court to order the defendant to be imprisoned, consecutively or nonconsecutively, for up to 12 months, but not longer than the maximum period authorized for the offense if the maximum period were less than 12 months.
- Include in the definition of "assaultive crime" a violation of a law of another state or of local ordinance substantially corresponding to any of the violations currently specified.

Under the Code, if the offender has not previously been convicted of assault or aggravated assault, a court may defer the proceedings against someone who commits assault or aggravated assault in a domestic situation and may dismiss the charges after he or she serves a probationary period. (This applies when the victim is the offender's spouse or former spouse, or an individual who has had a child in common with the offender, has or has had a dating relationship with the offender, or resides or has resided in the same household as the offender.) Upon a probation violation, the court may enter an adjudication of guilt and proceed with sentencing, and must do so if the accused commits an assaultive crime during the period of probation, or violates a court order to receive counseling regarding his or her violent behavior or to have no contact with a named individual.

MCL 769.4a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of domestic violence. According to the Uniform Crime Report, there were 55,200 domestic violence offenses reported in 2004. To the extent that the bill would result in increased sentences to prison or jail or increased incarceration time for offenders convicted of domestic violence, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur the cost of incarceration in a State facility at an average annual cost of \$31,000.

Date Completed: 11-30-06

Fiscal Analyst: Lindsay Hollander

[floor/hb5968](#)

Bill Analysis @ www.senate.michigan.gov

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