

SUBSTITUTE FOR
HOUSE BILL NO. 5055

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 15c of chapter IV (MCL 764.15c), as amended by
2001 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 CHAPTER IV
- 2 Sec. 15c. (1) After investigating or intervening in a domestic
- 3 violence incident, a peace officer shall provide the victim with a
- 4 copy of the notice in this section.
- 5 (2) The notice ~~shall~~**under subsection (1) must** be written and,
- 6 ~~shall~~**subject to subsection (3), must** include all of the following:
- 7 (a) The name and telephone number of the responding police
- 8 agency.



1 (b) The name and badge number of the responding peace officer.

2 (c) Substantially the following statement:

3 "You may obtain a copy of the police incident report for your
4 case by contacting this law enforcement agency at the telephone
5 number provided.

6 The domestic violence shelter program and other resources in
7 your area are (include local information).

8 Information about emergency shelter, counseling services, and
9 the legal rights of domestic violence victims is available from
10 these resources.

11 Your legal rights include the right to go to court and file a
12 petition requesting a personal protection order to protect you or
13 other members of your household from domestic abuse which could
14 include restraining or enjoining the abuser from doing the
15 following:

16 (a) Entering onto premises.

17 (b) Assaulting, attacking, beating, molesting, or wounding
18 you.

19 (c) Threatening to kill or physically injure you or another
20 person.

21 (d) Removing minor children from you, except as otherwise
22 authorized by a custody or parenting time order issued by a court
23 of competent jurisdiction.

24 (e) Engaging in stalking behavior.

25 (f) Purchasing or possessing a firearm.

26 (g) Interfering with your efforts to remove your children or
27 personal property from premises that are solely owned or leased by
28 the abuser.

29 (h) Interfering with you at your place of employment or



1 education or engaging in conduct that impairs your employment
2 relationship or your employment or educational environment.

3 (i) Engaging in any other specific act or conduct that imposes
4 upon or interferes with your personal liberty or that causes a
5 reasonable apprehension of violence.

6 (j) Having access to information in records concerning any
7 minor child you have with the abuser that would inform the abuser
8 about your address or telephone number, the child's address or
9 telephone number, or your employment address.

10 **(k) Injuring, killing, torturing, neglecting, removing, or**
11 **retaining an animal in which you have an ownership interest to**
12 **cause you mental distress or to exert control over you.**

13 **(l) Threatening to injure, kill, torture, or neglect an animal**
14 **in which you have an ownership interest to cause you mental**
15 **distress or to exert control over you.**

16 Your legal rights also include the right to go to court and
17 file a motion for an order to show cause and a hearing if the
18 abuser is violating or has violated a personal protection order and
19 has not been arrested."

20 **(3) Once the department of the attorney general develops and**
21 **implements the address confidentiality program as provided in**
22 **section 19(4) of the address confidentiality program act, the**
23 **statement in the written notice under subsection (2) (c) must also**
24 **include substantially the following statement:**

25 "If you change your residence and would like to keep your new
26 address confidential, you may apply to the department of the
27 attorney general for certification as a program participant in the
28 address confidentiality program."

29 **(4) ~~(2)~~—The peace officer shall prepare a domestic violence**



1 report after investigating or intervening in a domestic violence
2 incident. ~~Effective October 1, 2002, a~~ **A** peace officer shall use
3 the standard domestic violence incident report form developed under
4 subsection ~~(4)~~ **(6)** or a form substantially similar to that standard
5 form to report a domestic violence incident. The report ~~shall~~ **must**
6 contain, but is not limited to containing, all of the following:

7 (a) The address, date, and time of the incident being
8 investigated.

9 (b) The victim's name, address, home and work telephone
10 numbers, race, sex, and date of birth.

11 (c) The suspect's name, address, home and work telephone
12 numbers, race, sex, date of birth, and information describing the
13 suspect and whether an injunction or restraining order covering the
14 suspect exists.

15 (d) The name, address, home and work telephone numbers, race,
16 sex, and date of birth of any witness, including a child of the
17 victim or suspect, and the relationship of the witness to the
18 suspect or victim.

19 (e) The following information about the incident being
20 investigated:

21 (i) The name of the person who called the law enforcement
22 agency.

23 (ii) The relationship of the victim and suspect.

24 (iii) Whether alcohol or controlled substance use was involved
25 in the incident, and by whom it was used.

26 (iv) A brief narrative describing the incident and the
27 circumstances that led to it.

28 (v) Whether and how many times the suspect physically
29 assaulted the victim and a description of any weapon or object



1 used.

2 (vi) A description of all injuries sustained by the victim and
3 an explanation of how the injuries were sustained.

4 (vii) If the victim sought medical attention, information
5 concerning where and how the victim was transported, whether the
6 victim was admitted to a hospital or clinic for treatment, and the
7 name and telephone number of the attending physician.

8 (viii) A description of any property damage reported by the
9 victim or evident at the scene.

10 (f) A description of any previous domestic violence incidents
11 between the victim and the suspect.

12 (g) The date and time of the report and the name, badge
13 number, and signature of the peace officer completing the report.

14 (5) ~~(3)~~—The law enforcement agency shall retain the completed
15 domestic violence report in its files. The law enforcement agency
16 shall also file a copy of the completed domestic violence report
17 with the prosecuting attorney within 48 hours after the domestic
18 violence incident is reported to the law enforcement agency.

19 (6) ~~(4)~~—By June 1, 2002, the department of state police shall
20 develop a standard domestic violence incident report form.

21 (7) ~~(5)~~—As used in this section:

22 (a) **"Address confidentiality program" means the program**
23 **created in the address confidentiality program act.**

24 (b) ~~(a)~~—"Dating relationship" means that term as defined in
25 section 2950 of the revised judicature act of 1961, 1961 PA 236,
26 MCL 600.2950.

27 (c) ~~(b)~~—"Domestic violence incident" means an incident
28 reported to a law enforcement agency involving allegations of 1 or
29 both of the following:



1 (i) A violation of a personal protection order issued under
 2 section 2950 of the revised judicature act of 1961, 1961 PA 236,
 3 MCL 600.2950, or a violation of a valid foreign protection order.

4 (ii) A crime committed by an individual against his or her
 5 spouse or former spouse, an individual with whom he or she has had
 6 a child in common, an individual with whom he or she has or has had
 7 a dating relationship, or an individual who resides or has resided
 8 in the same household.

9 (d) ~~(e)~~—"Foreign protection order" means that term as defined
 10 in section 2950h of the revised judicature act of 1961, 1961 PA
 11 236, MCL 600.2950h.

12 (e) **"Program participant" means that term as defined in**
 13 **section 3 of the address confidentiality program act.**

14 (f) ~~(d)~~—"Valid foreign protection order" means a foreign
 15 protection order that satisfies the conditions for validity
 16 provided in section 2950i of the revised judicature act of 1961,
 17 1961 PA 236, MCL 600.2950i.

18 Enacting section 1. This amendatory act does not take effect
 19 unless Senate Bill No. 70 of the 100th Legislature is enacted into
 20 law.

