

HOUSE BILL NO. 5055

October 08, 2019, Introduced by Reps. Calley, Farrington, Pagan, Manoogian, Guerra, Clemente, Sneller, Hoadley, Bolden, Rendon, Koleszar, Anthony, Stone, Kuppa, Wittenberg, Hood, Hammoud, Warren, Hope, Cynthia Johnson, Sowerby, Yaroch, Greig, Garrett, Lasinski, Brenda Carter and Yancey and referred to the Committee on Judiciary.

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. The notice ~~shall~~**must** be



1 written and ~~shall~~**must** include all of the following:

2 (a) The name and telephone number of the responding police
3 agency.

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

5 (c) Substantially the following statement:

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

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

11 Information about emergency shelter, counseling services, and
12 the legal rights of domestic violence victims is available from
13 these resources.

14 **You may apply to the department of the attorney general for**
15 **certification as a program participant in the address**
16 **confidentiality program.**

17 Your legal rights include the right to go to court and file a
18 petition requesting a personal protection order to protect you or
19 other members of your household from domestic abuse which could
20 include restraining or enjoining the abuser from doing the
21 following:

22 (a) Entering onto premises.

23 (b) Assaulting, attacking, beating, molesting, or wounding
24 you.

25 (c) Threatening to kill or physically injure you or another
26 person.

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



1 (e) Engaging in stalking behavior.

2 (f) Purchasing or possessing a firearm.

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

6 (h) Interfering with you at your place of employment or
7 education or engaging in conduct that impairs your employment
8 relationship or your employment or educational environment.

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

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

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

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

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

26 (2) The peace officer shall prepare a domestic violence report
27 after investigating or intervening in a domestic violence incident.
28 ~~Effective October 1, 2002, a~~ **A** peace officer shall use the standard
29 domestic violence incident report form developed under subsection



1 (4) or a form substantially similar to that standard form to report
2 a domestic violence incident. The report ~~shall~~**must** contain, but is
3 not limited to containing, all of the following:

4 (a) The address, date, and time of the incident being
5 investigated.

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

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

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

16 (e) The following information about the incident being
17 investigated:

18 (i) The name of the person who called the law enforcement
19 agency.

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

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

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

25 (v) Whether and how many times the suspect physically
26 assaulted the victim and a description of any weapon or object
27 used.

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



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

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

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

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

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

16 (4) By June 1, 2002, the department of state police shall
 17 develop a standard domestic violence incident report form.

18 (5) As used in this section:

19 (a) **"Address confidentiality program" means the program**
 20 **created in the address confidentiality program act.**

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

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

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



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

6 (d) ~~(e)~~—"Foreign protection order" means that term as defined
7 in section 2950h of the revised judicature act of 1961, 1961 PA
8 236, MCL 600.2950h.

9 (e) **"Program participant" means that term as defined in**
10 **section 1 of the address confidentiality program act.**

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

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No.____ or House Bill No.____ (request no.
19 01312'19) of the 100th Legislature is enacted into law.

