

HOUSE BILL NO. 5205

July 01, 2021, Introduced by Rep. Rabhi and referred to the Committee on Government Operations.

A bill to amend 1935 PA 85, entitled
"An act to abrogate the common law rule raising a presumption that a married woman committing an offense does so under coercion because she commits it in the presence of her husband,"
by amending the title and section 1 (MCL 780.401), as amended by 1990 PA 220.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to abrogate the common law rule raising a presumption
3 that a married woman committing an offense does so under coercion

1 ~~because-if~~ she commits ~~it-the~~ **offense** in the presence of her
2 ~~husband.~~**spouse.**

3 Sec. 1. In the prosecution of ~~any-a~~ complaint or indictment
4 charging a criminal offense, **there is** no presumption ~~shall be~~
5 ~~indulged~~ that a married woman committing an offense **in the presence**
6 **of her spouse** does so ~~under-because of the~~ coercion ~~because she~~
7 ~~commits it in the presence of her husband.~~**of her spouse.**

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Joint Resolution ____ or House Joint Resolution ____
10 (request no. 02344'21) of the 101st Legislature becomes a part of
11 the state constitution of 1963 as provided in section 1 of article
12 XII of the state constitution of 1963.