

SENATE BILL No. 634

December 3, 1991, Introduced by Senators CONROY, WELBORN, KELLY, POLLACK, FAXON, STABENOW, V. SMITH, GEAKE, CHERRY, ARTHURHULTZ and HART and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 15c of Act No. 175 of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
as added by Act No. 222 of the Public Acts of 1985, being section 764.15c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15c of Act No. 175 of the Public Acts of
2 1927, as added by Act No. 222 of the Public Acts of 1985, being
3 section 764.15c of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 15c. (1) After INVESTIGATING OR intervening in a
6 domestic dispute as described in section 15a or 15b, OR AN INCI-
7 DENT INVOLVING DOMESTIC VIOLENCE AS DEFINED IN SECTION 1 OF ACT
8 NO. 389 OF THE PUBLIC ACTS OF 1978, BEING SECTION 400.1501 OF THE

1 MICHIGAN COMPILED LAWS, a peace officer shall ~~advise~~ DO ALL OF
2 THE FOLLOWING:

3 (A) COMPLETELY FILL OUT A DOMESTIC VIOLENCE REPORTING FORM.

4 (B) ADVISE the victim of the availability of a shelter pro-
5 gram or other services in the community. ~~and give~~

6 (C) GIVE the victim A COPY OF THE COMPLETED DOMESTIC VIO-
7 LENCE REPORTING FORM BEFORE LEAVING THE SCENE OF THE INVESTIGA-
8 TION OR INTERVENTION. ~~the statutory notice set forth in this~~
9 ~~act. The notice shall include furnishing the victim with a list~~
10 ~~ing of the phone numbers of area shelter program services and a~~
11 ~~copy of the following statement:~~

12 ~~"Information about shelters and alternatives to domestic~~
13 ~~violence is available from a statewide 24 hour toll free hotline~~
14 ~~at (number to be listed). The battered women's shelter and other~~
15 ~~resources in your area are (include local information).~~

16 ~~If you are the victim of domestic violence you can ask the~~
17 ~~county prosecuting attorney to file a criminal complaint.~~

18 ~~You also have the right to go to court and file a petition~~
19 ~~requesting an injunctive order from domestic abuse which could~~
20 ~~include the following:~~

21 ~~(a) An order restraining or enjoining the abuser from enter-~~
22 ~~ing onto premises.~~

23 ~~(b) An order restraining or enjoining the abuser from~~
24 ~~assaulting, beating, molesting, or wounding you.~~

25 ~~(c) An order restraining or enjoining the abuser from remov-~~
26 ~~ing minor children from you, except as otherwise authorized by a~~

~~1 custody or visitation order issued by a court of competent
2 jurisdiction."~~

3 (2) A PEACE OFFICER SHALL USE A DOMESTIC VIOLENCE REPORTING
4 FORM PRESCRIBED BY THE DEPARTMENT OF STATE POLICE WHEN ACTING
5 PURSUANT TO THIS SECTION.

6 (3) THE DEPARTMENT OF STATE POLICE SHALL DEVELOP A DOMESTIC
7 VIOLENCE REPORTING FORM THAT SHALL CONFORM WITH ALL OF THE
8 FOLLOWING:

9 (A) A DESIGN SUITABLE FOR USE BY A PEACE OFFICER ACTING PUR-
10 SUANT TO THIS SECTION THAT SERVES BOTH AS A RECORD OF THE INVE-
11 TIGATION OR INTERVENTION AND AS A CHECKLIST OF QUESTIONS TO BE
12 ASKED AND INFORMATION NEEDED IN THOSE SITUATIONS.

13 (B) A DESIGN PROMOTING EASE OF USE BY ALL LAW ENFORCEMENT
14 AGENCIES IN THE STATE.

15 (C) PRESENTATION IN CLEARLY UNDERSTANDABLE LANGUAGE AND IN
16 THE FORM OF INTERROGATIVE SENTENCES TO THE EXTENT FEASIBLE.

17 (D) USE OF CHECK BOXES, TO THE EXTENT FEASIBLE, TO PERMIT A
18 PEACE OFFICER TO CHECK OFF THE APPROPRIATE ANSWERS.

19 (E) PROVISION OF SUFFICIENT SPACE FOR NECESSARY WRITTEN
20 ANSWERS OR OBSERVATIONS.

21 (F) A DESIGN PERMITTING A PEACE OFFICER TO GIVE A COMPLETED
22 COPY TO THE VICTIM BEFORE LEAVING THE SCENE.

23 (4) THE DOMESTIC VIOLENCE REPORTING FORM SHALL IDENTIFY BOTH
24 OF THE FOLLOWING:

25 (A) THE NAME AND PHONE NUMBER OF THE RESPONDING LAW ENFORCE-
26 MENT AGENCY.

1 (B) THE NAMES AND PHONE NUMBERS OF AREA SHELTER PROGRAM
2 SERVICES.

3 (5) THE DOMESTIC VIOLENCE REPORTING FORM SHALL HAVE APPRO-
4 PRIATE CAPTIONS, QUESTIONS, AND SPACE TO RECORD ALL OF THE
5 FOLLOWING:

6 (A) THE ADDRESS, DATE, AND TIME OF THE OCCURRENCE OR INCI-
7 DENT BEING INVESTIGATED.

8 (B) THE VICTIM'S NAME, ADDRESS, HOME AND WORK PHONE NUMBERS,
9 RACE, SEX, AND DATE OF BIRTH.

10 (C) THE SUSPECT'S NAME, ADDRESS, HOME AND WORK PHONE NUM-
11 BERS, RACE, SEX, DATE OF BIRTH; INFORMATION DESCRIBING THE SUS-
12 PECT; AND WHETHER A RESTRAINING ORDER COVERING THE SUSPECT
13 EXISTS.

14 (D) THE FOLLOWING INFORMATION ABOUT THE OCCURRENCE OR INCI-
15 DENT BEING INVESTIGATED:

16 (i) WHO CONTACTED THE LAW ENFORCEMENT AGENCY.

17 (ii) THE RELATIONSHIP OF THE VICTIM AND SUSPECT.

18 (iii) THE NAME, AGE, SEX, ADDRESS, AND PHONE NUMBER OF ANY
19 WITNESS.

20 (iv) WHETHER ANY CHILD OF THE VICTIM WAS PRESENT, INCLUDING
21 THE CHILD'S AGE AND SEX.

22 (v) WHETHER ALCOHOL OR CONTROLLED SUBSTANCE USE WAS INVOLVED
23 IN THE OCCURRENCE OR INCIDENT AND BY WHOM.

24 (vi) A BRIEF EXPLANATION OF WHAT LED TO THE OCCURRENCE OR
25 INCIDENT.

1 (vii) WHETHER, AND IF SO, HOW MANY TIMES THE SUSPECT
2 PHYSICALLY ASSAULTED THE VICTIM AND A DESCRIPTION OF ANY WEAPON
3 OR OBJECT USED.

4 (viii) A CHECKLIST OF PHYSICAL ACTS THAT MAY HAVE OCCURRED
5 AND INSTRUCTIONS FOR THE PEACE OFFICER TO CHECK THE APPROPRIATE
6 BOXES. THE CHECKLIST SHALL INCLUDE THROWING OBJECTS, PUSHING,
7 GRABBING, SLAPPING, KICKING, STRIKING WITH A CLOSED FIST, BITING,
8 CHOKING, VERBAL THREATS, THREATS WITH A WEAPON, AND SIMILAR ACTS
9 THE BOARD CONSIDERS APPROPRIATE TO INCLUDE. SPACE SHALL BE
10 INCLUDED FOR AN ADDITIONAL BRIEF DESCRIPTION OF THE OCCURRENCE OR
11 INCIDENT.

12 (E) THE FOLLOWING INFORMATION ABOUT ANY INJURIES THE VICTIM
13 SUSTAINED:

14 (i) A DESCRIPTION OF ALL INJURIES.

15 (ii) AN EXPLANATION OF WHETHER THE SUSPECT CAUSED THE
16 INJURIES.

17 (iii) IF THE VICTIM SOUGHT MEDICAL ATTENTION, INFORMATION
18 CONCERNING WHERE, HOW THE VICTIM WAS TRANSPORTED, WHETHER THE
19 VICTIM WAS ADMITTED TO A HOSPITAL OR CLINIC FOR TREATMENT, AND
20 THE NAME OF THE ATTENDING PHYSICIAN.

21 (F) THE FOLLOWING INFORMATION ABOUT ANY PROPERTY DAMAGE EVI-
22 DENT AT THE SCENE:

23 (i) A DESCRIPTION AND ESTIMATE OF THE DAMAGE.

24 (ii) THE NAME, ADDRESS, AND PHONE NUMBER OF ANY OWNER OF
25 DAMAGED PROPERTY.

26 (G) INFORMATION ABOUT WHETHER THE SUSPECT HAS PHYSICALLY
27 ASSAULTED THE VICTIM BEFORE, INCLUDING THE DATE AND THE NAME,

1 ADDRESS, PHONE NUMBER, AND OTHER RELEVANT INFORMATION ABOUT ANY
2 WITNESS TO THE PREVIOUS ASSAULT.

3 (H) INFORMATION ABOUT WHETHER THE SUSPECT HAD MADE PREVIOUS
4 STATEMENTS OR THREATS, INCLUDING THE CONTENTS OF THE STATEMENTS
5 OR THREATS, TO WHOM THEY WERE MADE, AND RELEVANT INFORMATION
6 ABOUT ANY WITNESS TO THE STATEMENTS OR THREATS.

7 (I) THE DATE AND TIME OF THE REPORT, AND THE NAME, BADGE
8 NUMBER, AND SIGNATURE OF THE PEACE OFFICER COMPLETING THE
9 REPORT.

10 (6) THE DOMESTIC VIOLENCE REPORTING FORM SHALL CONTAIN A
11 SECTION FOR THE VICTIM TO COMPLETE, INCLUDING ALL OF THE
12 FOLLOWING:

13 (A) FRONT AND BACK DIAGRAMS OF A GENDERLESS HUMAN FIGURE
14 WITH INSTRUCTIONS FOR THE VICTIM TO MARK ON THE DIAGRAMS WHERE HE
15 OR SHE WAS STRUCK OR INJURED.

16 (B) THE FOLLOWING QUESTIONS WITH "YES" OR "NO" BOXES TO BE
17 CHECKED BY THE VICTIM OR PEACE OFFICER, AS APPLICABLE:

18 I HAVE PHYSICALLY POINTED OUT TO THE [APPROPRIATE DESIG-
19 NATION OF PEACE OFFICER] WHERE I WAS STRUCK.
20 I HAVE ALSO INDICATED ON THE DIAGRAM WHERE I WAS
21 STRUCK.

22 I WAS ABLE TO POINT OUT TO THE [APPROPRIATE DESIGNATION
23 OF PEACE OFFICER] THE PERSON WHO STRUCK ME.

24 I HAVE POINTED OUT TO THE [APPROPRIATE DESIGNATION OF
25 PEACE OFFICER] THE OBJECT USED TO STRIKE ME.

26 I UNDERSTAND ALL THE QUESTIONS.

27
28 COMPLETED BY [APPROPRIATE DESIGNATION OF PEACE OFFICER]
29 BECAUSE VICTIM UNABLE.

30
31 READ TO THE VICTIM BY _____ BECAUSE VICTIM UNABLE.

32 (C) THE STATEMENT "I HAVE READ THIS REPORT OR HAD IT READ TO
33 ME AND AFFIRM THAT THE INFORMATION IS TRUE AND CORRECT" ABOVE
34 SPACE FOR THE VICTIM'S SIGNATURE AND DATE.

1 (D) ANY OTHER INFORMATION THE DOMESTIC VIOLENCE PREVENTION
2 AND TREATMENT BOARD AS CREATED IN SECTION 2 OF ACT NO. 389 OF THE
3 PUBLIC ACTS OF 1978, BEING SECTION 400.1502 OF THE MICHIGAN
4 COMPILED LAWS, CONSIDERS APPROPRIATE FOR THIS SECTION TO BE COM-
5 PLETED BY THE VICTIM.

6 (7) THE DOMESTIC VIOLENCE REPORTING FORM SHALL CONTAIN THE
7 FOLLOWING STATEMENT:

8 "INFORMATION ABOUT SHELTERS AND ALTERNATIVES TO DOMESTIC
9 VIOLENCE IS AVAILABLE FROM A STATEWIDE 24-HOUR TOLL-FREE HOTLINE
10 AT (NUMBER TO BE LISTED). THE BATTERED WOMEN'S SHELTER AND OTHER
11 RESOURCES IN YOUR AREA ARE (INCLUDE LOCAL INFORMATION).

12 IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE YOU MAY ASK THE
13 COUNTY PROSECUTING ATTORNEY TO FILE A CRIMINAL COMPLAINT.

14 YOU ALSO HAVE THE RIGHT TO GO TO COURT AND FILE A PETITION
15 REQUESTING AN INJUNCTIVE ORDER FROM DOMESTIC ABUSE THAT COULD
16 INCLUDE 1 OR MORE OF THE FOLLOWING:

17 (A) AN ORDER RESTRAINING OR ENJOINING THE ABUSER FROM ENTER-
18 ING ONTO PREMISES.

19 (B) AN ORDER RESTRAINING OR ENJOINING THE ABUSER FROM
20 ASSAULTING, BEATING, MOLESTING, OR WOUNDING YOU.

21 (C) AN ORDER RESTRAINING OR ENJOINING THE ABUSER FROM REMOV-
22 ING MINOR CHILDREN FROM YOU, EXCEPT AS OTHERWISE AUTHORIZED BY A
23 CUSTODY OR VISITATION ORDER ISSUED BY A COURT OF COMPETENT
24 JURISDICTION."

25 (8) THE LAW ENFORCEMENT AGENCY SHALL RETAIN THE COMPLETED
26 DOMESTIC VIOLENCE REPORTING FORM IN ITS FILES.

1 (9) THIS SECTION APPLIES TO ALL LAW ENFORCEMENT AGENCIES IN
2 THE STATE.