

SENATE BILL No. 671

December 17, 1991, Introduced by Senators KELLY and V. SMITH and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend section 4 of Act No. 389 of the Public Acts of 1978, entitled

"An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; and to prescribe powers and duties of the department of social services,"

being section 400.1504 of the Michigan Compiled Laws; and to add section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 389 of the Public Acts of
2 1978, being section 400.1504 of the Michigan Compiled Laws, is
3 amended and section 4a is added to read as follows:

4 Sec. 4. The department shall provide staff to enable the
5 board to carry out the following powers and duties:

1 (a) Coordinate and monitor programs and services funded
2 under this act for the prevention of domestic violence and the
3 treatment of victims of domestic violence.

4 (b) Develop standards for the implementation and administra-
5 tion of services and procedures to prevent domestic violence and
6 to provide services and programs for victims of domestic
7 violence.

8 (c) Provide planning and technical assistance to prime spon-
9 sors for the development, implementation, and administration of
10 programs and services for the prevention of domestic violence and
11 the treatment of victims of domestic violence.

12 (d) Conduct research to develop and implement effective
13 means for preventing domestic violence and treating victims of
14 domestic violence.

15 (e) Provide assistance to the department of state police in
16 developing a system for monitoring and maintaining a uniform
17 reporting system to provide accurate statistical data on domestic
18 violence.

19 (f) Coordinate educational and public informational programs
20 for the purpose of developing appropriate public awareness
21 regarding the problems of domestic violence; encourage profes-
22 sional persons and groups to recognize and deal with problems of
23 domestic violence; ~~to~~ make information about the problems of
24 domestic violence available to the public and organizations and
25 agencies ~~which~~ THAT deal with problems of domestic violence;
26 and encourage the development of community programs to prevent

1 domestic violence and provide services to victims of domestic
2 violence.

3 (g) Study and recommend changes in civil and criminal proce-
4 dures ~~which~~ THAT will enable victims of domestic violence to
5 receive equitable and fair treatment under the law.

6 (h) Advise the legislature and governor on the nature, mag-
7 nitude, and priorities of the problem of domestic violence and
8 the needs of victims of domestic violence ~~and~~ and recommend
9 changes in state programs, statutes, policies, budgets, and stan-
10 dards ~~which~~ THAT will reduce the problem and improve the condi-
11 tion of victims.

12 (I) DEVELOP THE DOMESTIC VIOLENCE REPORTING FORM REQUIRED BY
13 SECTION 4A.

14 SEC. 4A. (1) THE BOARD SHALL DEVELOP A DOMESTIC VIOLENCE
15 REPORTING FORM IN CONSULTATION WITH THE DEPARTMENT OF STATE
16 POLICE AND ANY OTHER ENTITY CONCERNED WITH DOMESTIC VIOLENCE WITH
17 WHOM THE BOARD CONSIDERS CONSULTATION APPROPRIATE.

18 (2) THE DOMESTIC VIOLENCE REPORTING FORM SHALL CONFORM WITH
19 ALL OF THE FOLLOWING:

20 (A) A DESIGN SUITABLE FOR USE BY A PEACE OFFICER ACTING PUR-
21 SUANT TO SECTION 15C OF CHAPTER IV OF THE CODE OF CRIMINAL PROCE-
22 DURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION
23 764.15C OF THE MICHIGAN COMPILED LAWS, THAT SERVES BOTH AS A
24 RECORD OF THE INVESTIGATION OR INTERVENTION AND AS A CHECKLIST OF
25 QUESTIONS TO BE ASKED AND INFORMATION NEEDED IN THOSE
26 SITUATIONS.

1 (B) A DESIGN PROMOTING EASE OF USE BY ALL LAW ENFORCEMENT
2 AGENCIES IN THIS STATE.

3 (C) PRESENTATION IN CLEARLY UNDERSTANDABLE LANGUAGE, IN
4 QUESTION FORM TO THE EXTENT FEASIBLE.

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

7 (E) PROVISION OF SUFFICIENT SPACE FOR NECESSARY WRITTEN
8 ANSWERS OR OBSERVATIONS.

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

11 (3) THE DOMESTIC VIOLENCE REPORTING FORM SHALL IDENTIFY THE
12 NAME AND PHONE NUMBER OF THE RESPONDING LAW ENFORCEMENT AGENCY.

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

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

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

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

24 (D) THE NAME, ADDRESS, HOME AND WORK TELEPHONE NUMBERS,
25 RACE, SEX, AND DATE OF BIRTH OF ANY WITNESS AND THE RELATIONSHIP
26 OF THE WITNESS TO THE SUSPECT OR VICTIM.

1 (E) THE FOLLOWING INFORMATION ABOUT THE OCCURRENCE OR
2 INCIDENT BEING INVESTIGATED:

3 (i) WHO CALLED THE LAW ENFORCEMENT AGENCY.

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

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

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

9 (v) WHETHER ALCOHOL OR CONTROLLED SUBSTANCE USE WAS INVOLVED
10 IN THE OCCURRENCE OR INCIDENT, AND BY WHOM.

11 (vi) A BRIEF EXPLANATION OF WHAT LED TO THE OCCURRENCE OR
12 INCIDENT.

13 (vii) WHETHER AND HOW MANY TIMES THE SUSPECT PHYSICALLY
14 ASSAULTED THE VICTIM AND A DESCRIPTION OF ANY WEAPON OR OBJECT
15 USED.

16 (viii) A CHECKLIST OF PHYSICAL ACTS THAT MAY HAVE OCCURRED
17 AND INSTRUCTIONS FOR THE PEACE OFFICER TO CHECK THE APPROPRIATE
18 BOXES. THE CHECKLIST SHALL INCLUDE SEXUAL ASSAULT, SEXUAL MOLES-
19 TATION, THROWING OBJECTS, PUSHING, SHOVING, GRABBING, SLAPPING,
20 KICKING, STRIKING WITH A CLOSED FIST, BITING, CHOKING, VERBAL
21 THREATS, THREATS WITH A WEAPON, AND SIMILAR ACTS THE BOARD CON-
22 SIDERS APPROPRIATE TO INCLUDE. SPACE SHALL BE INCLUDED FOR AN
23 ADDITIONAL BRIEF DESCRIPTION OF THE OCCURRENCE OR INCIDENT.

24 (F) THE FOLLOWING INFORMATION ABOUT ANY INJURIES THE VICTIM
25 SUSTAINED:

26 (i) A DESCRIPTION OF ALL INJURIES.

1 (ii) AN EXPLANATION OF WHETHER THE SUSPECT CAUSED THE
2 INJURIES.

3 (iii) IF THE VICTIM SOUGHT MEDICAL ATTENTION, INFORMATION
4 CONCERNING WHERE, HOW THE VICTIM WAS TRANSPORTED, WHETHER THE
5 VICTIM WAS ADMITTED TO A HOSPITAL OR CLINIC FOR TREATMENT, AND
6 THE NAME OF THE ATTENDING PHYSICIAN.

7 (G) THE FOLLOWING INFORMATION ABOUT ANY PROPERTY DAMAGE EVI-
8 DENT AT THE SCENE:

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

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

12 (H) INFORMATION ABOUT WHETHER THE SUSPECT HAS PHYSICALLY
13 ASSAULTED THE VICTIM BEFORE, INCLUDING THE DATE AND THE NAME,
14 ADDRESS, PHONE NUMBER, AND OTHER RELEVANT INFORMATION ABOUT ANY
15 WITNESS TO THE PREVIOUS ASSAULT.

16 (I) INFORMATION ABOUT WHETHER THE SUSPECT HAD MADE PREVIOUS
17 STATEMENTS OR THREATS, INCLUDING THE CONTENTS OF THE STATEMENTS
18 OR THREATS, TO WHOM THEY WERE MADE, AND RELEVANT INFORMATION
19 ABOUT ANY WITNESS TO THE STATEMENTS OR THREATS.

20 (J) THE DATE AND TIME OF THE REPORT, AND THE NAME, BADGE
21 NUMBER, AND SIGNATURE OF THE PEACE OFFICER COMPLETING THE
22 REPORT.

23 (5) THE DOMESTIC VIOLENCE REPORTING FORM SHALL CONTAIN A
24 SECTION FOR THE VICTIM TO COMPLETE, INCLUDING ALL OF THE
25 FOLLOWING:

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

4 (B) THE FOLLOWING STATEMENTS WITH "YES" OR "NO" BOXES TO BE
5 CHECKED BY THE VICTIM OR PEACE OFFICER, AS APPLICABLE:

6 I HAVE PHYSICALLY POINTED OUT TO THE [APPROPRIATE DESIG-
7 NATION OF PEACE OFFICER] WHERE I WAS STRUCK.

8 I HAVE ALSO INDICATED ON THE DIAGRAM WHERE I WAS
9 STRUCK.

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

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

14 I UNDERSTAND ALL THE QUESTIONS.

15 COMPLETED BY [APPROPRIATE DESIGNATION OF PEACE OFFICER]
16 BECAUSE VICTIM UNABLE.

17 READ TO THE VICTIM BY _____ BECAUSE VICTIM UNABLE.

18 (C) THE STATEMENT "I HAVE READ THIS REPORT OR HAD IT READ TO
19 ME AND AFFIRM THAT THE INFORMATION IS TRUE AND CORRECT" ABOVE
20 SPACES FOR THE VICTIM'S SIGNATURE AND DATE.

21 (D) ANY OTHER INFORMATION THE BOARD CONSIDERS APPROPRIATE
22 FOR THE SECTION TO BE COMPLETED BY THE VICTIM.

23 (6) THE DOMESTIC VIOLENCE REPORTING FORM SHALL CONTAIN THE
24 STATEMENT REQUIRED BY SECTION 15C OF CHAPTER IV OF THE CODE OF
25 CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927.

26 (7) THE DOMESTIC VIOLENCE REPORTING FORM SHALL HAVE
27 APPROPRIATE CAPTIONS, QUESTIONS, AND SPACE TO RECORD ANY OTHER

1 INFORMATION THE BOARD CONSIDERS APPROPRIATE TO AID IN THE
2 INVESTIGATION, ENFORCEMENT, AND PROSECUTION OF DOMESTIC VIOLENCE
3 AND SIMILAR CRIMES AND SHALL PROVIDE TO THE VICTIM ANY OTHER
4 INFORMATION THE BOARD CONSIDERS APPROPRIATE FOR THESE PURPOSES.

5 Section 2. This amendatory act shall not take effect unless
6 Senate Bill No. 672
7 of the 86th Legislature is enacted into law.