

SENATE BILL No. 672

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 15c of chapter IV 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; and to add section 22 to
chapter XVI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15c of chapter IV of Act No. 175 of the
2 Public Acts of 1927, as added by Act No. 222 of the Public Acts
3 of 1985, being section 764.15c of the Michigan Compiled Laws, is
4 amended and section 22 is added to chapter XVI to read as
5 follows:

CHAPTER IV

1
2 Sec. 15c. (1) After INVESTIGATING OR intervening in ~~a~~
3 ~~domestic dispute as described in section 15a or 15b, a peace~~
4 ~~officer shall advise the victim of the availability of a shelter~~
5 ~~program or other services in the community and give the victim~~
6 ~~the statutory notice set forth in this act. The notice shall~~
7 ~~include furnishing the victim with a listing of the phone numbers~~
8 ~~of area shelter program services and a copy of the following~~
9 ~~statement~~ ANY OF THE FOLLOWING, A PEACE OFFICER SHALL COMPLETELY
10 FILL OUT THE DOMESTIC VIOLENCE REPORTING FORM DESCRIBED IN SEC-
11 TION 4A OF ACT NO. 389 OF THE PUBLIC ACTS OF 1978, BEING SECTION
12 400.1504A OF THE MICHIGAN COMPILED LAWS:

13 (A) A DOMESTIC DISPUTE AS DESCRIBED IN SECTION 15A OR 15B OF
14 THIS CHAPTER.

15 (B) AN INCIDENT INVOLVING DOMESTIC VIOLENCE AS DEFINED IN
16 SECTION 1 OF ACT NO. 389 OF THE PUBLIC ACTS OF 1978, BEING SEC-
17 TION 400.1501 OF THE MICHIGAN COMPILED LAWS.

18 (C) AN INCIDENT INVOLVING A DISORDERLY PERSON AS DEFINED IN
19 SECTION 167 OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC
20 ACTS OF 1931, BEING SECTION 750.167 OF THE MICHIGAN COMPILED
21 LAWS, IF THE DISORDERLY PERSON IS THE SPOUSE OR A FORMER SPOUSE
22 OF, OR A PERSON RESIDING OR HAVING RESIDED IN THE SAME HOUSEHOLD
23 AS, THE VICTIM OF THE DISORDERLY PERSON'S CONDUCT.

24 (D) A VIOLATION OF SECTION 377A OR 380 OF ACT NO. 328 OF THE
25 PUBLIC ACTS OF 1931, BEING SECTIONS 750.377A AND 750.380 OF THE
26 MICHIGAN COMPILED LAWS, IF THE PERSON IS THE SPOUSE OR A FORMER
27 SPOUSE OF, OR A PERSON RESIDING OR HAVING RESIDED IN THE SAME

1 HOUSEHOLD AS, THE VICTIM OF THE PERSON'S MALICIOUS DESTRUCTION OF
2 THE PROPERTY.

3 (2) IN ADDITION TO THE REQUIREMENTS OF SECTION 4A OF ACT
4 NO. 389 OF THE PUBLIC ACTS OF 1978, THE DOMESTIC VIOLENCE REPORT-
5 ING FORM SHALL ALSO CONTAIN the following statement:

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

10 If you are the victim of domestic violence you can ask the
11 county prosecuting attorney to file a criminal complaint.

12 You also have the right to go to court and file a petition
13 requesting an injunctive order from domestic abuse which could
14 include the following:

15 (a) An order restraining or enjoining the abuser from enter-
16 ing onto premises.

17 (b) An order restraining or enjoining the abuser from
18 assaulting, beating, molesting, or wounding you.

19 (c) An order restraining or enjoining the abuser from remov-
20 ing minor children from you, except as otherwise authorized by a
21 custody or visitation order issued by a court of competent
22 jurisdiction."

23 (3) THE PEACE OFFICER SHALL GIVE THE VICTIM A COPY OF THE
24 COMPLETED DOMESTIC VIOLENCE REPORTING FORM BEFORE LEAVING THE
25 SCENE OF THE INVESTIGATION OR INTERVENTION. IF ANY PORTION IS
26 ILLEGIBLE, THE LAW ENFORCEMENT AGENCY SHALL GIVE THE VICTIM

1 ANOTHER COPY OF THE COMPLETED DOMESTIC VIOLENCE FORM UPON
2 REQUEST.

3 (4) THE LAW ENFORCEMENT AGENCY SHALL RETAIN THE COMPLETED
4 DOMESTIC VIOLENCE REPORTING FORM IN ITS FILES. THE LAW ENFORCE-
5 MENT AGENCY SHALL ALSO FILE A COPY OF THE COMPLETED DOMESTIC VIO-
6 LENCE REPORTING FORM WITH THE PROSECUTING ATTORNEY WITHIN 24
7 HOURS AFTER THE PEACE OFFICER COMPLETES IT.

8 (5) THE LAW ENFORCEMENT AGENCY SHALL FORWARD A COPY OF THE
9 DOMESTIC VIOLENCE REPORTING FORM TO THE DEPARTMENT OF STATE
10 POLICE, WHICH SHALL ENTER INFORMATION FROM THE DOMESTIC VIOLENCE
11 REPORTING FORM CONCERNING THE OFFENDER AND THE OFFENSE INTO THE
12 LAW ENFORCEMENT INFORMATION NETWORK. THE DEPARTMENT OF STATE
13 POLICE, IN CONJUNCTION WITH THE LAW ENFORCEMENT INFORMATION NET-
14 WORK POLICY COUNCIL CREATED IN SECTION 2 OF THE L.E.I.N. POLICY
15 COUNCIL ACT OF 1974, ACT NO. 163 OF THE PUBLIC ACTS OF 1974,
16 BEING SECTION 28.212 OF THE MICHIGAN COMPILED LAWS, SHALL PRE-
17 SCRIBE THE FORM OF THE INFORMATION TO BE ENTERED.

18 (6) A LAW ENFORCEMENT AGENCY SHALL USE THE INFORMATION CON-
19 TAINED IN COMPLETED DOMESTIC VIOLENCE REPORTING FORMS IN SUBMIT-
20 TING THE REPORTS REQUIRED OR AUTHORIZED UNDER SECTION 7 OF ACT
21 NO. 319 OF THE PUBLIC ACTS OF 1968, BEING SECTION 28.257 OF THE
22 MICHIGAN COMPILED LAWS.

23 (7) THIS SECTION APPLIES TO ALL LAW ENFORCEMENT AGENCIES IN
24 THIS STATE. NOTHING IN THIS SECTION PREVENTS A LAW ENFORCEMENT
25 AGENCY FROM REQUIRING A PEACE OFFICER TO MAKE OTHER REPORTS IN
26 ADDITION TO COMPLETING THE DOMESTIC VIOLENCE REPORTING FORM. IF
27 A PEACE OFFICER MAKES AN ADDITIONAL REPORT, THE LAW ENFORCEMENT

1 AGENCY SHALL GIVE A COPY TO THE VICTIM WITHIN 24 HOURS AFTER THE
2 REPORT IS COMPLETED.

3 (8) A LAW ENFORCEMENT AGENCY THAT FAILS TO COMPLY WITH THE
4 REQUIREMENTS OF THIS SECTION IS GUILTY OF A MISDEMEANOR PUNISH-
5 ABLE BY A FINE OF NOT MORE THAN \$500.00.

6 CHAPTER XVI

7 SEC. 22. IF A PERSON IS CONVICTED OF AN OFFENSE FOR WHICH A
8 DOMESTIC VIOLENCE REPORTING FORM IS REQUIRED TO BE FILLED OUT
9 PURSUANT TO SECTION 15C OF CHAPTER IV, THE COURT SHALL ORDER THE
10 PERSON CONVICTED OF THAT OFFENSE TO PAY A L.E.I.N. ENTRY ASSESS-
11 MENT OF \$20.00. THE ASSESSMENT SHALL BE USED FOR ENTRY INTO THE
12 LAW ENFORCEMENT INFORMATION NETWORK OF THE INFORMATION REQUIRED
13 BY SECTION 15C(5) OF CHAPTER IV.

14 Section 2. This amendatory act shall not take effect unless
15 Senate Bill No. _____ or House Bill No. _____ (request
16 no. 02972'91**) of the 86th Legislature is enacted into law.