

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5567 (Substitute S-1 as reported)
Sponsor: Representative Kwame Kilpatrick
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to allow the warrantless arrest of a juvenile who violated a personal protection order (PPO); and to provide for the family court's jurisdiction to conduct contempt proceedings based upon a juvenile's violation of a PPO.

The Code permits a peace officer, without a warrant, to arrest an individual and take him or her into custody when the officer has reasonable cause to believe that a PPO has been issued, the individual named in the order is in violation of it, and the PPO states that a violation subjects the individual to immediate arrest and to criminal contempt of court (and imprisonment for up to 93 days and a fine of up to \$500). Under the bill, the PPO would have to state that a violation would subject the individual to immediate arrest and either of the following:

- If the individual restrained or enjoined were 17 years of age or older, to criminal contempt of court (subject to the current penalty).
- If the individual restrained or enjoined were under 17, to the dispositional alternatives listed in the juvenile code.

The family court would have jurisdiction to conduct criminal contempt proceedings based upon a violation of a PPO issued under the juvenile code by the family court in any county of this State. The family court that conducted the preliminary hearing would have to notify the court that issued the PPO that the issuing court could request the respondent to be returned to that court for violating the order. If the issuing court requested the respondent's return to stand trial, that court would have to bear the transportation cost.

The bill would take effect January 1, 1999, and is tie-barred to House Bill 5564 (which would provide for the family court's jurisdiction in a PPO proceeding), as well as Senate Bills 866 and 874 (which would prohibit a court from issuing a PPO if the respondent were the minor child of the petitioner, or if the petitioner were the minor child of the respondent).

MCL 764.15b & 764.15c

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 9-23-98

Fiscal Analyst: B. Bowerman