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DEFINITION OF DOMESTIC VIOLENCE

House Bill 4715

Sponsor: Rep. Laura Baird

Committee: Criminal Law and Corrections

Complete to 9-30-99

A SUMMARY OF HOUSE BILL 4715 AS INTRODUCED 5-19-99

The bill would amend the domestic violence prevention and treatment act to revise the definition of “domestic violence”.

Under current law, domestic violence is defined as “a violent physical attack or fear of violent physical attack perpetrated by an assailant against a victim”, in which the assailant is the victim’s spouse or former spouse, or a person of the opposite sex with whom the victim lives (or has lived) and with whom the victim is or was involved in a consenting, sexual relationship.

The bill would replace that definition with one involving certain actions taken by a person against a family or household member (excluding acts of self defense).

Domestic violence would include causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

The definition of “family or household member” would be based on the relationship between the assailant and the victim, including where the two were either currently or formerly: married, living together, involved in a dating relationship, involved in a sexual relationship, or related by marriage, or where the two had a child in common. The term would also include the minor child of any of the individuals described above. A “dating relationship” would be defined as “frequent, intimate associations primarily characterized by the expectation of affectional involvement”, not including a “casual relationship or an ordinary fraternization between two individuals in a business or social context”.

MCL 400.1501

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