
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4708 (as reported by the Committee of the Whole)
Sponsor: Representative Jennifer Faunce
House Committee: Criminal Law and Corrections
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to expand the scope of domestic violence personal protection orders (PPOs); limit stalking PPOs to situations in which there were actual allegations of stalking; prohibit the issuance of a stalking PPO if the petitioner were a prisoner; revise provisions pertaining to the filing, notice, and service of both domestic violence and stalking PPOs; and provide that a motion fee could not be collected for a motion to dismiss a PPO petition, a motion to modify, terminate, or rescind a PPO, or a motion to show cause for a violation of a PPO.

The bill would include in the list of activities that may be restrained or enjoined by a domestic violence PPO, interfering with the petitioner at his or her place of education; having access to information in records concerning a minor child of both the petitioner and the respondent that would inform the respondent about the address or telephone number of the petitioner and the petitioner's minor child or about the petitioner's employment address; and engaging in conduct that would constitute stalking or aggravated stalking.

Under the bill, if the respondent to a domestic violence or stalking PPO were identified in the pleadings as a law enforcement officer, the court clerk would have to notify the officer's employing agency, if known, about the PPO. If a PPO prohibited the respondent from purchasing or possessing a firearm, the clerk would have to notify the concealed weapon licensing board in the respondent's county of residence about the PPO. If the respondent were identified in the pleadings as a Department of Corrections employee, the clerk would have to notify the Department about the PPO. If the respondent were identified in the pleadings as someone who might have access to information about the petitioner, or a child of the petitioner and respondent, and that information were contained in Friend of the Court (FOC) records, the clerk would have to notify the FOC about the PPO.

MCL 600.2529 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. In 1998 there were 47,808 new filings for personal protection orders. Increased enforcement costs and additional notification requirements would depend on the number of PPOs issued. The elimination of the motion fee for motions to dismiss, modify, rescind, or terminate a PPO, or a motion to show cause would result in a loss of revenue to the State Court Fund and local units of government. Of the \$20 motion fee, \$10 is deposited in the State Court Fund.

Date Completed: 12-7-99

Fiscal Analyst: B. Bowerman