

HOUSE BILL No. 4715

May 19, 1999, Introduced by Reps. Baird, Faunce, Shulman, Wojno, Richner, Kowall, Law and Scranton and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1978 PA 389, 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,"

by amending the title and section 1 (MCL 400.1501).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the prevention and treatment of domes-
3 tic violence; to develop and establish policies, procedures, and
4 standards for providing domestic violence assistance programs and
5 services; to create a domestic violence prevention and treatment
6 board and prescribe its powers and duties; to establish a
7 domestic violence prevention and treatment fund and provide for

1 its use; and to prescribe powers and duties of the ~~department of~~
2 ~~social services~~ FAMILY INDEPENDENCE AGENCY.

3 Sec. 1. As used in this act:

4 (a) "Board" means the domestic violence prevention and
5 treatment board created in section 2.

6 (B) "DATING RELATIONSHIP" MEANS FREQUENT, INTIMATE ASSOCIA-
7 TIONS PRIMARILY CHARACTERIZED BY THE EXPECTATION OF AFFECTIONAL
8 INVOLVEMENT. DATING RELATIONSHIP DOES NOT INCLUDE A CASUAL RELA-
9 TIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN 2 INDIVIDUALS IN A
10 BUSINESS OR SOCIAL CONTEXT.

11 (C) ~~(b)~~ "Department" means the ~~department of social~~
12 ~~services~~ FAMILY INDEPENDENCE AGENCY.

13 (D) ~~(c)~~ "Domestic violence" means ~~a violent physical~~
14 ~~attack or fear of violent physical attack perpetrated by an assa-~~
15 ~~ilant against a victim; in which the victim is a person assaulted~~
16 ~~by or threatened by assault by his or her spouse or former spouse~~
17 ~~or an adult person or emancipated minor assaulted by an adult~~
18 ~~person of the opposite sex with whom the assaulted person cohab-~~
19 ~~its or formerly cohabited; and in which the victim and assailant~~
20 ~~are or were involved in a consenting, sexual relationship.~~ THE
21 OCCURRENCE OF ANY OF THE FOLLOWING ACTS BY A PERSON THAT IS NOT
22 AN ACT OF SELF-DEFENSE:

23 (i) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL OR MENTAL HARM
24 TO A FAMILY OR HOUSEHOLD MEMBER.

25 (ii) PLACING A FAMILY OR HOUSEHOLD MEMBER IN FEAR OF PHYSI-
26 CAL OR MENTAL HARM.

1 (iii) CAUSING OR ATTEMPTING TO CAUSE A FAMILY OR HOUSEHOLD
2 MEMBER TO ENGAGE IN INVOLUNTARY SEXUAL ACTIVITY BY FORCE, THREAT
3 OF FORCE, OR DURESS.

4 (iv) ENGAGING IN ACTIVITY TOWARD A FAMILY OR HOUSEHOLD
5 MEMBER THAT WOULD CAUSE A REASONABLE PERSON TO FEEL TERRORIZED,
6 FRIGHTENED, INTIMIDATED, THREATENED, HARASSED, OR MOLESTED.

7 (E) "FAMILY OR HOUSEHOLD MEMBER" INCLUDES ANY OF THE
8 FOLLOWING:

9 (i) A SPOUSE OR FORMER SPOUSE.

10 (ii) AN INDIVIDUAL WITH WHOM THE PERSON RESIDES OR HAS
11 RESIDED.

12 (iii) AN INDIVIDUAL WITH WHOM THE PERSON HAS OR HAS HAD A
13 DATING RELATIONSHIP.

14 (iv) AN INDIVIDUAL WITH WHOM THE PERSON IS OR HAS ENGAGED IN
15 A SEXUAL RELATIONSHIP.

16 (v) AN INDIVIDUAL TO WHOM THE PERSON IS RELATED OR WAS
17 FORMERLY RELATED BY MARRIAGE.

18 (vi) AN INDIVIDUAL WITH WHOM THE PERSON HAS A CHILD IN
19 COMMON.

20 (vii) THE MINOR CHILD OF AN INDIVIDUAL DESCRIBED IN SUBPARA-
21 GRAPHS (i) TO (vi).

22 (F) ~~(d)~~ "Fund" means the domestic violence prevention and
23 treatment fund created in section 5.

24 (G) ~~(e)~~ "Prime sponsor" means a county, city, village, or
25 township of this state, or a combination thereof, or a private,
26 nonprofit association or organization.