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Senate Bill 719 (Substitute S-1 as reported)
Sponsor: Senator Thaddeus G. McCotter
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the domestic violence prevention and treatment Act to allow the State or a county to establish an interagency domestic violence fatality review team. Two or more counties could establish a single team. The teams could review fatal and near-fatal incidents of domestic violence, including suicides. Reviews could include events leading up to the incident, available community resources, current laws and policies, actions taken by the agencies and individuals related to the incident and the parties, and any information considered relevant by the team.

A fatality review team would have to include at least an individual with training in forensic pathology; a health care professional with training and experience in responding to domestic violence; a medical examiner; a prosecuting attorney or a prosecutor's designated assistant; a representative of a domestic violence shelter that received funding from the Michigan Domestic Violence Prevention and Treatment Board; and a law enforcement officer. If a State team were established, it would have to be convened by the Board.

Information and records acquired or created by a team generally would be confidential and not subject to the Freedom of Information Act, subpoena, discovery, or introduction into evidence in civil or criminal proceedings. Team meetings would be closed to the public and not subject to the Open Meetings Act if the team were reviewing individual cases. All other team meetings would be open. Confidential information could not be disclosed during a public meeting or in any report available to the public. Violation of these provisions would be a misdemeanor.

A fatality review team would have to prepare an annual report and provide it to the Board by March 1. Subject to available funding, the Board could develop a protocol, forms, and training for the teams. The Board also could prepare a report to the Governor and the Legislature summarizing teams' findings and recommendations to reduce and eradicate domestic violence.

Proposed MCL 400.1511

Legislative Analyst: P. Affholter

FISCAL IMPACT

As the language regarding the establishment of these review teams is permissive, the State and counties would not experience any costs unless they established teams. If they did, then most of the costs would be associated team expenses, such as per diem or per meeting stipends. (For example, in the Department of Community Health budget, members of the community health advising council are limited to a \$50 per diem.) Other costs could include regular office supplies and the printing of forms and reports. While the amount of these costs is unknown, the costs associated with a similar concept, the Fetal Infant Mortality Review teams, were \$56,000 for FY 2000-01. A total of 1,100 infant deaths occurred during 2000, though only a subset of these deaths are reviewed. The estimated total number of deaths for the age cohort of women who might be victims of domestic violence was 132. About 30% or 40 women may have died at the hand of their spouse or ex-spouse.

Date Completed: 11-6-01

Fiscal Analyst: J. Walker

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Analysis available @ <http://www.michiganlegislature.org>

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