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SFA**BILL ANALYSIS**

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House Bill 5273 (as passed by the House)
Sponsor: Representative Laura M. Toy
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 12-4-01

CONTENT

The bill would amend the Revised Judicature Act (RJA) to require that a court immediately state in writing the specific reasons for issuing or refusing to issue a personal protection order (PPO) restraining or enjoining stalking activity. If a hearing were held, the court immediately would have to state on the record the specific reasons for issuing or refusing to issue a stalking PPO. The bill also would prohibit a court from issuing a stalking PPO to restrain or enjoin an individual under 10 years old.

The RJA allows an individual to petition the family division of circuit court to enter a PPO to restrain or enjoin another individual from engaging in conduct that is prohibited as stalking under the Michigan Penal Code. Currently, if a court refuses to grant a stalking PPO, it must immediately state in writing the specific reasons for refusal. If a hearing is held, the court immediately must state on the record the specific reasons it refuses to issue a PPO. Under the bill, the requirement that the court state in writing and put on the record its reasons would apply to both issuing and refusing to issue a stalking PPO.

The bill would take effect on April 1, 2002.

MCL 600.2950a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The State Court Administrative Office reports that the bill would result in additional processing time for personal protection orders.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.