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House Bill 5280 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Gene DeRossett

House Committee: Criminal Justice

Senate 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 a team.

A fatality review team would have to include at least an individual trained 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 obtained or created by a team would be confidential and not subject to civil discovery or the Freedom of Information Act. Documents created by a team would not be subject to subpoena. Information relevant to a criminal investigation could be disclosed to a prosecutor or law enforcement agency. Information required to be reported under the Child Protection Law would have to be disclosed to the Family Independence Agency. Team meetings would be closed to the public and not subject to the Open Meetings Act.

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 advisory 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: 12-11-01

Fiscal Analyst: J. Walker, C. Cole

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

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