

**SUBSTITUTE FOR  
HOUSE BILL NO. 5280**

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 family independence agency,"

(MCL 400.1501 to 400.1511) by adding section 11.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 11. (1) THE STATE OR A COUNTY MAY ESTABLISH AN INTER-  
2 AGENCY DOMESTIC VIOLENCE FATALITY REVIEW TEAM. TWO OR MORE COUN-  
3 TIES MAY ESTABLISH A SINGLE DOMESTIC VIOLENCE FATALITY REVIEW  
4 TEAM FOR THOSE COUNTIES. THE FATALITY REVIEW TEAMS MAY REVIEW  
5 FATAL AND NEAR-FATAL INCIDENTS OF DOMESTIC VIOLENCE, INCLUDING  
6 SUICIDES. THE REVIEW MAY INCLUDE A REVIEW OF EVENTS LEADING UP  
7 TO THE DOMESTIC VIOLENCE INCIDENT, AVAILABLE COMMUNITY RESOURCES,

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1 CURRENT LAWS AND POLICIES, ACTIONS TAKEN BY THE AGENCIES AND  
2 INDIVIDUALS RELATED TO THE INCIDENT AND THE PARTIES, AND ANY  
3 INFORMATION DEEMED RELEVANT BY THE TEAM. THE PURPOSE OF THE  
4 TEAMS IS TO LEARN HOW TO PREVENT DOMESTIC VIOLENCE HOMICIDES AND  
5 SUICIDES BY IMPROVING THE RESPONSE OF INDIVIDUALS AND AGENCIES TO  
6 DOMESTIC VIOLENCE. SUBJECT TO THE REQUIREMENTS OF THIS SECTION,  
7 EACH TEAM MAY DETERMINE ITS STRUCTURE AND SPECIFIC ACTIVITIES.  
8 THE TEAM MAY DETERMINE THE NUMBER AND TYPE OF INCIDENTS IT WISHES  
9 TO REVIEW AND SHALL MAKE POLICY AND OTHER RECOMMENDATIONS AS TO  
10 HOW INCIDENTS OF DOMESTIC VIOLENCE MAY BE PREVENTED. FATALITY  
11 REVIEW TEAMS AND THEIR MEMBERS CONVENED PURSUANT TO THIS SECTION  
12 AND IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION ARE ENTI-  
13 TLED TO THE PROTECTIONS GRANTED UNDER THIS SECTION.

14 (2) SUBJECT TO SUBSECTIONS (1) AND (3), A FATALITY REVIEW  
15 TEAM ESTABLISHED PURSUANT TO THIS SECTION SHALL INCLUDE, BUT IS  
16 NOT LIMITED TO, THE FOLLOWING:

17 (A) AN INDIVIDUAL TRAINING IN FORENSIC PATHOLOGY.

18 (B) A HEALTH CARE PROFESSIONAL WITH TRAINING AND EXPERIENCE  
19 IN RESPONDING TO DOMESTIC VIOLENCE.

20 (C) A MEDICAL EXAMINER.

21 (D) A PROSECUTING ATTORNEY OR A DESIGNATED ASSISTANT PROSE-  
22 CUTING ATTORNEY.

23 (E) A REPRESENTATIVE OF A DOMESTIC VIOLENCE SHELTER THAT  
24 RECEIVES FUNDING FROM THE MICHIGAN DOMESTIC VIOLENCE PREVENTION  
25 AND TREATMENT BOARD.

26 (F) A LAW ENFORCEMENT OFFICER.

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1       (3) IF A STATE FATALITY REVIEW TEAM IS CONVENED, THE STATE  
2 FATALITY REVIEW TEAM SHALL BE CONVENED BY THE MICHIGAN DOMESTIC  
3 VIOLENCE PREVENTION AND TREATMENT BOARD.

4       (4) SUBJECT TO SUBSECTION (8), ALL INFORMATION AND RECORDS  
5 ACQUIRED OR CREATED BY A FATALITY REVIEW TEAM CONVENED UNDER THIS  
6 SECTION ARE CONFIDENTIAL AND NOT SUBJECT TO THE FREEDOM OF INFOR-  
7 MATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, SUBPOENA, DISCOV-  
8 ERY, OR INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PRO-  
9 CEEDINGS, EXCEPT THAT INFORMATION, DOCUMENTS, AND RECORDS OTHER-  
10 WISE AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA,  
11 DISCOVERY, OR INTRODUCTION INTO EVIDENCE FROM OTHER SOURCES  
12 SOLELY BECAUSE THEY WERE PRESENTED TO OR REVIEWED BY A TEAM.

13       (5) EXCEPT AS NECESSARY TO CARRY OUT A FATALITY REVIEW  
14 TEAM'S DUTIES AND PURPOSES, MEMBERS OF A TEAM AND PERSONS ATTEND-  
15 ING A TEAM MEETING MAY NOT DISCLOSE INFORMATION AND RECORDS  
16 ACQUIRED OR CREATED BY THE TEAM, OR WHAT TRANSPIRED AT A MEETING  
17 THAT IS NOT PUBLIC UNDER SUBSECTION (7), NOR SHALL THEY DISCLOSE  
18 ANY INFORMATION IF THE DISCLOSURE IS PROHIBITED BY SUBSECTION  
19 (4), (7), OR (8).

20       (6) MEMBERS OF A FATALITY REVIEW TEAM, PERSONS ATTENDING A  
21 TEAM MEETING, AND PERSONS WHO PRESENT INFORMATION TO A TEAM MAY  
22 NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDINGS REGARDING  
23 INFORMATION PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A  
24 MEETING. NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO PRE-  
25 VENT A PERSON FROM TESTIFYING ABOUT INFORMATION OBTAINED INDEPEN-  
26 DENTLY OF THE TEAM OR ABOUT INFORMATION THAT IS PUBLIC  
27 INFORMATION.

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1       (7) FATALITY REVIEW TEAM MEETINGS ARE CLOSED TO THE PUBLIC  
2 AND ARE NOT SUBJECT TO THE OPEN MEETINGS ACT, 1976 PA 267, MCL  
3 15.261 TO 15.275, IF THE FATALITY REVIEW TEAM IS REVIEWING INDI-  
4 VIDUAL CASES. ALL OTHER FATALITY REVIEW TEAM MEETINGS ARE OPEN  
5 TO THE PUBLIC. INFORMATION IDENTIFYING A VICTIM OF DOMESTIC VIO-  
6 LENCE WHOSE CASE IS BEING REVIEWED, OR THAT PERSON'S FAMILY MEM-  
7 BERS, OR AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE UPON THE  
8 VICTIM, OR REGARDING THE INVOLVEMENT OF ANY AGENCY WITH THE  
9 VICTIM OR THAT PERSON'S FAMILY, SHALL NOT BE DISCLOSED DURING A  
10 PUBLIC MEETING OR IN ANY REPORT THAT IS AVAILABLE TO THE PUBLIC.

11       (8) FATALITY REVIEW TEAMS CONVENED UNDER THIS SECTION SHALL  
12 PREPARE AN ANNUAL REPORT OF AGGREGATE FINDINGS, RECOMMENDATIONS,  
13 AND STEPS TAKEN TO IMPLEMENT RECOMMENDATIONS. THE REPORT SHALL  
14 NOT CONTAIN INFORMATION IDENTIFYING ANY VICTIM OF DOMESTIC VIO-  
15 LENCE, OR THAT PERSON'S FAMILY MEMBERS, OR AN ALLEGED OR SUS-  
16 PECTED PERPETRATOR OF ABUSE UPON A VICTIM, OR REGARDING THE  
17 INVOLVEMENT OF ANY AGENCY WITH A VICTIM OR THAT PERSON'S FAMILY.  
18 THE REPORT SHALL COVER EACH CALENDAR YEAR OR PORTION OF A CALEN-  
19 DAR YEAR DURING WHICH A FATALITY REVIEW TEAM IS CONVENED AND THE  
20 REPORT SHALL BE PROVIDED TO THE MICHIGAN DOMESTIC VIOLENCE PRE-  
21 VENTION AND TREATMENT BOARD ON OR BEFORE MARCH 1 OF THE FOLLOWING  
22 YEAR. IF THE MICHIGAN DOMESTIC VIOLENCE PREVENTION AND TREATMENT  
23 BOARD DEVELOPS A FORM FOR USE BY FATALITY REVIEW TEAMS TO REPORT  
24 ANNUAL AGGREGATE FINDINGS AND RECOMMENDATIONS, FATALITY REVIEW  
25 TEAMS SHALL USE THAT FORM.

26       (9) A PERSON WHO VIOLATES THE CONFIDENTIALITY PROVISIONS OF  
27 THIS SECTION IS GUILTY OF A MISDEMEANOR.

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1       (10) THERE MAY NOT BE ANY MONETARY LIABILITY ON THE PART OF,  
2 AND A CAUSE OF ACTION FOR DAMAGES MAY NOT ARISE AGAINST, ANY  
3 MEMBER OF A DOMESTIC VIOLENCE FATALITY REVIEW TEAM OR ANY PERSON  
4 ACTING AS A WITNESS TO, INCIDENT REPORTER TO, OR INVESTIGATOR FOR  
5 A DOMESTIC VIOLENCE FATALITY REVIEW TEAM FOR ANY ACT OR PROCEED-  
6 ING UNDERTAKEN OR PERFORMED WITHIN THE SCOPE OF THE FUNCTIONS OF  
7 THE TEAM, UNLESS THAT PERSON ACTED IN BAD FAITH, WITH MALICIOUS  
8 PURPOSE, OR IN A MANNER EXHIBITING WANTON AND WILLFUL DISREGARD  
9 OF CIVIL RIGHTS, SAFETY, OR PROPERTY.

10       (11) SUBJECT TO AVAILABLE FUNDING, THE MICHIGAN DOMESTIC  
11 VIOLENCE PREVENTION AND TREATMENT BOARD MAY DEVELOP A PROTOCOL  
12 FOR USE BY STATE, COUNTY, AND MULTICOUNTY DOMESTIC VIOLENCE  
13 FATALITY REVIEW TEAMS, MAY DEVELOP A FORM FOR USE BY FATALITY  
14 REVIEW TEAMS TO REPORT ANNUAL AGGREGATE FINDINGS AND RECOMMENDA-  
15 TIONS AS REQUIRED IN SUBSECTION (8), MAY DEVELOP AND PROVIDE  
16 TRAINING CONCERNING FATALITY REVIEW TEAMS, AND MAY PREPARE A  
17 REPORT TO THE GOVERNOR, THE SENATE, AND THE HOUSE OF REPRESENTA-  
18 TIVES SUMMARIZING THE AGGREGATE FINDINGS AND RECOMMENDATIONS OF  
19 FATALITY REVIEW TEAMS AND MAKING RECOMMENDATIONS TO REDUCE AND  
20 ERADICATE THE INCIDENCE OF DOMESTIC VIOLENCE.

[Enacting section 1. This amendatory act takes effect April 1,  
2002.]