

HOUSE BILL No. 5274

October 17, 2001, Introduced by Reps. O'Neil, Woronchak, Allen, Vander Veen, Birkholz, Meyer, Jelinek, Middaugh, Richardville, Cassis, Pumford, Shackleton, Scranton, Newell, Patterson, Gilbert, Kuipers, Toy, Sanborn and DeVuyst and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 15c of chapter IV (MCL 764.15c), as amended
by 1999 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV

2 Sec. 15c. (1) After investigating or intervening in a
3 domestic violence incident, a peace officer shall provide the
4 victim with a copy of the notice in this section. The notice
5 shall be written and shall include all of the following:

6 (a) The name and telephone number of the responding police
7 agency.

8 (b) The name and badge number of the responding peace
9 officer.

1 (c) Substantially the following statement:

2 "You may obtain a copy of the police incident report for
3 your case by contacting this law enforcement agency at the tele-
4 phone number provided.

5 The domestic violence shelter program and other resources in
6 your area are (include local information).

7 Information about emergency shelter, counseling services,
8 and the legal rights of domestic violence victims is available
9 from these resources.

10 Your legal rights include the right to go to court and file
11 a petition requesting a personal protection order to protect you
12 or other members of your household from domestic abuse which
13 could include restraining or enjoining the abuser from doing the
14 following:

15 (a) Entering onto premises.

16 (b) Assaulting, attacking, beating, molesting, or wounding
17 you.

18 (c) Threatening to kill or physically injure you or another
19 person.

20 (d) Removing minor children from you, except as otherwise
21 authorized by a custody or parenting time order issued by a court
22 of competent jurisdiction.

23 (e) Engaging in stalking behavior.

24 (f) Purchasing or possessing a firearm.

25 (g) Interfering with your efforts to remove your children or
26 personal property from premises that are solely owned or leased
27 by the abuser.

1 (h) Interfering with you at your place of employment or
2 education or engaging in conduct that impairs your employment
3 relationship or your employment or educational environment.

4 (i) Engaging in any other specific act or conduct that
5 imposes upon or interferes with your personal liberty or that
6 causes a reasonable apprehension of violence.

7 (j) Having access to information in records concerning any
8 minor child you have with the abuser that would inform the abuser
9 about your address or telephone number, the child's address or
10 telephone number, or your employment address.

11 Your legal rights also include the right to go to court and
12 file a motion for an order to show cause and a hearing if the
13 abuser is violating or has violated a personal protection order
14 and has not been arrested.".

15 (2) The peace officer shall prepare a domestic violence
16 report after investigating or intervening in a domestic violence
17 incident. The report shall contain, but is not limited to con-
18 taining, all of the following:

19 (a) The address, date, and time of the incident being
20 investigated.

21 (b) The victim's name, address, home and work telephone num-
22 bers, race, sex, and date of birth.

23 (c) The suspect's name, address, home and work telephone
24 numbers, race, sex, date of birth, and information describing the
25 suspect and whether an injunction or restraining order covering
26 the suspect exists.

1 (d) The name, address, home and work telephone numbers,
2 race, sex, and date of birth of any witness, including a child of
3 the victim or suspect, and the relationship of the witness to the
4 suspect or victim.

5 (e) The following information about the incident being
6 investigated:

7 (i) The name of the person who called the law enforcement
8 agency.

9 (ii) The relationship of the victim and suspect.

10 (iii) Whether alcohol or controlled substance use was
11 involved in the incident, and by whom it was used.

12 (iv) A brief narrative describing the incident and the cir-
13 cumstances that led to it.

14 (v) Whether and how many times the suspect physically
15 assaulted the victim and a description of any weapon or object
16 used.

17 (vi) A description of all injuries sustained by the victim
18 and an explanation of how the injuries were sustained.

19 (vii) If the victim sought medical attention, information
20 concerning where and how the victim was transported, whether the
21 victim was admitted to a hospital or clinic for treatment, and
22 the name and telephone number of the attending physician.

23 (viii) A description of any property damage reported by the
24 victim or evident at the scene.

25 (f) A description of any previous domestic violence inci-
26 dents between the victim and the suspect.

1 (g) The date and time of the report and the name, badge
2 number, and signature of the peace officer completing the
3 report.

4 (3) The law enforcement agency shall retain the completed
5 domestic violence report in its files. The law enforcement
6 agency shall also file a copy of the completed domestic violence
7 report with the prosecuting attorney within 48 hours after the
8 domestic violence incident is reported to the law enforcement
9 agency.

10 (4) As used in this section, "domestic violence incident"
11 means an incident reported to a law enforcement agency involving
12 allegations of 1 or both of the following:

13 (a) A violation of a personal protection order issued under
14 section 2950 of the revised judicature act of 1961, 1961 PA 236,
15 MCL 600.2950.

16 (b) A crime committed by an individual against his or her
17 spouse or former spouse, an individual with whom he or she has
18 had a child in common, AN INDIVIDUAL WITH WHOM HE OR SHE HAS HAD
19 A DATING RELATIONSHIP, or an individual who resides or has
20 resided in the same household. AS USED IN THIS SECTION, "DATING
21 RELATIONSHIP" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1978
22 PA 389, MCL 400.1501.