

# SENATE BILL No. 733

October 17, 2001, Introduced by Senators JOHNSON, BULLARD, GARCIA, MC COTTER, HAMMERSTROM and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

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

CHAPTER VIII

1  
2 SEC. 27B. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), IF THE  
3 DEFENDANT IS ACCUSED OF COMMITTING A CRIME INVOLVING DOMESTIC  
4 VIOLENCE OR VIOLATING A PERSONAL PROTECTION ORDER ISSUED AS A  
5 RESULT OF DOMESTIC VIOLENCE AND THE VICTIM IS THE DEFENDANT'S  
6 SPOUSE, FORMER SPOUSE, AN INDIVIDUAL WITH WHOM THE DEFENDANT HAS  
7 HAD A CHILD IN COMMON, AN INDIVIDUAL WITH WHOM THE DEFENDANT HAS  
8 HAD A DATING RELATIONSHIP, OR A RESIDENT OR FORMER RESIDENT OF  
9 THE SAME HOUSEHOLD AS THE DEFENDANT, EVIDENCE OF THE DEFENDANT'S  
10 COMMISSION OF PRIOR ACTS OF DOMESTIC VIOLENCE IS ADMISSIBLE AND  
11 NOT PROHIBITED BY MICHIGAN RULE OF EVIDENCE 404.

1           (2) IN AN ACTION IN WHICH EVIDENCE IS OFFERED UNDER THIS  
2 SECTION, THE PROSECUTION SHALL DISCLOSE THE EVIDENCE TO THE  
3 DEFENDANT, INCLUDING A WITNESS STATEMENT OR A SUMMARY OF THE SUB-  
4 STANCE OF TESTIMONY THAT IS EXPECTED TO BE OFFERED.

5           (3) THIS SECTION DOES NOT LIMIT OR PRECLUDE THE COURT FROM  
6 ALLOWING EVIDENCE TO BE ADMITTED UNDER ANY OTHER STATUTE, RULE OF  
7 EVIDENCE, OR CASE LAW.

8           (4) EVIDENCE OF AN ACT OCCURRING MORE THAN 10 YEARS BEFORE  
9 THE CHARGED OFFENSE IS INADMISSIBLE UNDER THIS SECTION, UNLESS  
10 THE COURT DETERMINES THAT ADMITTING THE EVIDENCE IS IN THE INTER-  
11 EST OF JUSTICE.

12           (5) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS THAT  
13 TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.