

Act No. 732
Public Acts of 2002
Approved by the Governor
December 30, 2002
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**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senators McCotter, Garcia, Johnson, Bullard, Hammerstrom, Goschka, Peters, Young, Byrum, North, Stille, Bennett, Koivisto, Steil, Sikkema, Schuette, Van Regenmorter, Scott, DeBeaussiaert, McManus, Gougeon, Dunaskiss, Miller, Hart, Murphy, Leland and Schwarz

ENROLLED SENATE BILL No. 719

AN ACT 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; to prescribe powers and duties of the family independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act," by amending section 11 (MCL 400.1511), as added by 2001 PA 192.

The People of the State of Michigan enact:

Sec. 11. (1) The state or a county may establish an interagency domestic violence fatality review team. Two or more counties may establish a single domestic violence fatality review team for those counties. The purpose of a team is to learn how to prevent domestic violence homicides and suicides by improving the response of individuals and agencies to domestic violence. Subject to the requirements of this section, each team may determine its structure and specific activities.

(2) The fatality review teams may review fatal and near-fatal incidents of domestic violence, including suicides. The review of a domestic violence incident may include a review of events leading up to the domestic violence incident, available community resources, current laws and policies, actions taken by the agencies and individuals related to the incident and the parties, and any other information considered relevant by the team. The team may determine the number and type of incidents it wishes to review and shall make policy and other recommendations as to how incidents of domestic violence may be prevented.

(3) A fatality review team and its members are entitled to the protections granted under this section if the fatality review team is convened under this section and in compliance with the requirements of this section.

(4) A fatality review team established under this section shall include, but is not limited to, the following:

(a) A health care professional with training and experience in responding to domestic violence.

(b) A medical examiner.

(c) A prosecuting attorney or a designated assistant prosecuting attorney.

(d) A representative of a domestic violence shelter that receives funding from the Michigan domestic violence prevention and treatment board.

(e) A law enforcement officer.

(5) If a state fatality review team is convened, the state fatality review team shall be convened by the Michigan domestic violence prevention and treatment board.

(6) Subject to subsection (9), information obtained or created by or for a fatality review team is confidential and not subject to discovery or the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. Documents created by or for the fatality review team are not subject to subpoena, except that documents and records otherwise available from other sources are not exempt from subpoena, discovery, or introduction into evidence from other sources solely because they were presented to or reviewed by a fatality review team. Information relevant to the investigation of a crime may be disclosed by a fatality review team only to the prosecuting attorney or to a law enforcement agency. Information required to be reported under the child protection law, 1975 PA 238, MCL 722.621 to 722.638, shall be disclosed by a fatality review team to the family independence agency. A prosecuting attorney, a law enforcement agency, and the family independence agency may use information received under this subsection in carrying out their lawful responsibilities. Individuals and the organizations represented by individuals who participate as members of a fatality review team shall sign a confidentiality agreement acknowledging the confidentiality provisions of this section.

(7) An individual who provides information to a fatality review team shall sign a confidentiality notice acknowledging that any information he or she provides to a fatality review team shall be kept confidential by the fatality review team, but is subject to possible disclosure to the prosecuting attorney, a law enforcement agency, or the family independence agency as provided in subsection (6).

(8) Fatality review team meetings are closed to the public and are not subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Information identifying a victim of domestic violence whose case is being reviewed, or that person's family members, or an alleged or suspected perpetrator of abuse upon the victim, or regarding the involvement of any agency with the victim or that person's family, shall not be disclosed in any report that is available to the public.

(9) Fatality review teams convened under this section shall prepare an annual report of findings, recommendations, and steps taken to implement recommendations. The report shall not contain information identifying any victim of domestic violence, or that person's family members, or an alleged or suspected perpetrator of abuse upon a victim, or regarding the involvement of any agency with a victim or that person's family. The report shall cover each calendar year or portion of a calendar year during which a fatality review team is convened and the report shall be provided to the Michigan domestic violence prevention and treatment board on or before March 1 of the following year. If the Michigan domestic violence prevention and treatment board develops a form for use by fatality review teams to report annual findings and recommendations, fatality review teams shall use that form.

(10) A person who violates the confidentiality provisions of this section is guilty of a misdemeanor.

(11) A fatality review team, any member of a fatality review team, any individual providing information to a fatality review team, or any other person or agency acting within the scope of this section is immune from all civil liability resulting from an act or omission arising out of and in the course of the team's, member's, individual's, person's, or agency's performance of that activity, unless the act or omission was the result of gross negligence or willful misconduct. This section shall not be construed to limit the immunity conferred by 1964 PA 170, MCL 691.1401 to 691.1419, or any other immunity provided by statute or common law.

(12) Subject to available funding, the Michigan domestic violence prevention and treatment board may do any of the following:

(a) Develop a protocol for use by state, county, and multicounty domestic violence fatality review teams.

(b) Develop a form for use by fatality review teams to report annual findings and recommendations as required in subsection (9).

(c) Develop and provide training concerning fatality review teams.

(d) Prepare a report to the governor, the senate, and the house of representatives summarizing the findings and recommendations of fatality review teams and making recommendations to reduce and eradicate the incidence of domestic violence.

(13) If the Michigan domestic violence prevention and treatment board develops a protocol for use by state, county, and multicounty fatality review teams, the teams shall follow that protocol.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Sam E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.