



Senate Fiscal Agency  
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**BILL ANALYSIS**

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Senate Bill 120 (Substitute S-4 as reported by the Committee of the Whole)  
Sponsor: Senator Shirley Johnson  
Committee: Judiciary

**CONTENT**

The bill would amend the Code of Criminal Procedure to provide that, when a defendant was accused of an offense involving domestic violence, evidence of the defendant's commission of other acts of domestic violence would be admissible for any purpose for which it was relevant, if the evidence were not otherwise excluded under Michigan Rule of Evidence 403. (That rule allows the exclusion of relevant evidence on certain grounds, including the danger that it would be unfairly prejudicial.) Evidence of an act occurring more than 10 years before the charged offense would be inadmissible, unless the court determined that admitting the evidence was in the interest of justice. If the prosecuting attorney intended to offer evidence under the bill, he or she would have to disclose the evidence to the defendant at least 15 days before the trial, or later as allowed by the court for good cause shown.

"Domestic violence" or "offense involving domestic violence" would mean one or more of the following acts that was not an act of self-defense: causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. "Family or household member" would mean a spouse or former spouse; an individual with whom the person resides or has resided; an individual with whom the person has a child in common; or an individual with whom the person has or has had a dating relationship.

Proposed MCL 768.27b

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

To the extent that allowing the admission of prior acts of domestic violence as evidence would increase the conviction rate for additional crimes, the bill could increase local and State criminal justice costs. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. The 2003 Michigan Uniform Crime Report reported 48,310 domestic violence offenses. According to the Department of Corrections Statistical Report, 415 of those offenses resulted in convictions.

Date Completed: 11-2-05

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