

**SUBSTITUTE FOR
SENATE BILL NO. 120**

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:

1

CHAPTER VIII

2

SEC. 27B. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), IN A
3 CRIMINAL ACTION IN WHICH THE DEFENDANT IS ACCUSED OF AN OFFENSE
4 INVOLVING DOMESTIC VIOLENCE, EVIDENCE OF THE DEFENDANT'S COMMISSION
5 OF OTHER ACTS OF DOMESTIC VIOLENCE IS ADMISSIBLE FOR ANY PURPOSE
6 FOR WHICH IT IS RELEVANT, IF IT IS NOT OTHERWISE EXCLUDED UNDER
7 MICHIGAN RULE OF EVIDENCE 403.

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(2) IF THE PROSECUTING ATTORNEY INTENDS TO OFFER EVIDENCE
9 UNDER THIS SECTION, THE PROSECUTING ATTORNEY SHALL DISCLOSE THE

1 EVIDENCE, INCLUDING THE STATEMENTS OF WITNESSES OR A SUMMARY OF THE
2 SUBSTANCE OF ANY TESTIMONY THAT IS EXPECTED TO BE OFFERED, TO THE
3 DEFENDANT NOT LESS THAN 15 DAYS BEFORE THE SCHEDULED DATE OF TRIAL
4 OR AT A LATER TIME AS ALLOWED BY THE COURT FOR GOOD CAUSE SHOWN.

5 (3) THIS SECTION DOES NOT LIMIT OR PRECLUDE THE ADMISSION OR
6 CONSIDERATION OF EVIDENCE UNDER ANY OTHER STATUTE, RULE OF
7 EVIDENCE, OR CASE LAW.

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

12 (5) AS USED IN THIS SECTION:

13 (A) "DOMESTIC VIOLENCE" OR "OFFENSE INVOLVING DOMESTIC
14 VIOLENCE" MEANS AN OCCURRENCE OF 1 OR MORE OF THE FOLLOWING ACTS BY
15 A PERSON THAT IS NOT AN ACT OF SELF-DEFENSE:

16 (i) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL OR MENTAL HARM TO A
17 FAMILY OR HOUSEHOLD MEMBER.

18 (ii) PLACING A FAMILY OR HOUSEHOLD MEMBER IN FEAR OF PHYSICAL
19 OR MENTAL HARM.

20 (iii) CAUSING OR ATTEMPTING TO CAUSE A FAMILY OR HOUSEHOLD
21 MEMBER TO ENGAGE IN INVOLUNTARY SEXUAL ACTIVITY BY FORCE, THREAT OF
22 FORCE, OR DURESS.

23 (iv) ENGAGING IN ACTIVITY TOWARD A FAMILY OR HOUSEHOLD MEMBER
24 THAT WOULD CAUSE A REASONABLE PERSON TO FEEL TERRORIZED,
25 FRIGHTENED, INTIMIDATED, THREATENED, HARASSED, OR MOLESTED.

26 (B) "FAMILY OR HOUSEHOLD MEMBER" MEANS ANY OF THE FOLLOWING:

27 (i) A SPOUSE OR FORMER SPOUSE.

Senate Bill No. 120 (S-4) as amended March 2, 2006

1 (ii) AN INDIVIDUAL WITH WHOM THE PERSON RESIDES OR HAS RESIDED.

2 (iii) AN INDIVIDUAL WITH WHOM THE PERSON HAS OR HAS HAD A CHILD
3 IN COMMON.

4 (iv) AN INDIVIDUAL WITH WHOM THE PERSON HAS OR HAS HAD A DATING
5 RELATIONSHIP. AS USED IN THIS SUBPARAGRAPH, "DATING RELATIONSHIP"
6 MEANS FREQUENT, INTIMATE ASSOCIATIONS PRIMARILY CHARACTERIZED BY
7 THE EXPECTATION OF AFFECTIONAL INVOLVEMENT. THIS TERM DOES NOT
8 INCLUDE A CASUAL RELATIONSHIP OR AN ORDINARY FRATERNIZATION BETWEEN
9 2 INDIVIDUALS IN A BUSINESS OR SOCIAL CONTEXT.

[(6) THIS SECTION APPLIES TO TRIALS AND EVIDENTIARY HEARINGS
COMMENCED OR IN PROGRESS ON OR AFTER MAY 1, 2006.]