

HOUSE BILL No. 5119

December 3, 2015, Introduced by Reps. Neeley, Phelps, Chirkun, Lane, Robinson, Brunner, Bumstead, Kesto, Callton, Plawecki, Singh, Banks, Geiss, Love, LaVoy, Gay-Dagnogo, Liberati, Crawford, Townsend, Guerra, Yanez, Faris, Chang, Zemke, Hovey-Wright, Durhal, Leutheuser, Hooker, Runestad, Garrett, Wittenberg, Greig, Talabi, Schor, Vaupel, Derek Miller, Graves and Smiley and referred to the Committee on Families, Children, and Seniors.

A bill 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 the title and section 1 (MCL 400.1501), the title as amended by 2001 PA 192 and section 1 as amended by 2000 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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

1 services; to create a domestic violence prevention and treatment
2 board and prescribe its powers and duties; to establish a domestic
3 violence prevention and treatment fund and provide for its use; to
4 prescribe powers and duties of the ~~family independence agency,~~
5 **DEPARTMENT OF HEALTH AND HUMAN SERVICES;** to prescribe immunities
6 and liabilities of certain persons and officials; and to prescribe
7 penalties for violations of this act.

8 Sec. 1. As used in this act:

9 (a) "Board" means the domestic violence prevention and
10 treatment board created in section 2.

11 (b) "Dating relationship" means frequent, intimate
12 associations primarily characterized by the expectation of
13 affectional involvement. Dating relationship does not include a
14 casual relationship or an ordinary fraternization between 2
15 individuals in a business or social context.

16 (c) "Department" means the ~~family independence agency.~~
17 **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

18 (d) "Domestic violence" means the occurrence of any of the
19 following acts by a person that is not an act of self-defense:

20 (i) Causing or attempting to cause physical or mental harm to
21 a family or household member.

22 (ii) Placing a family or household member in fear of physical
23 or mental harm.

24 (iii) Causing or attempting to cause a family or household
25 member to engage in involuntary sexual activity by force, threat of
26 force, or duress.

27 (iv) Engaging in activity toward a family or household member

1 that would cause a reasonable person to feel terrorized,
2 frightened, intimidated, threatened, harassed, or molested.

3 (e) "Family or household member" includes any of the
4 following:

5 (i) A spouse or former spouse.

6 (ii) An individual with whom the person resides or has
7 resided.

8 (iii) An individual with whom the person has or has had a
9 dating relationship.

10 (iv) An individual with whom the person is or has engaged in a
11 sexual relationship.

12 (v) An individual to whom the person is related or was
13 formerly related by marriage.

14 (vi) An individual with whom the person has a child in common.

15 (vii) The minor child of an individual described in
16 subparagraphs (i) to (vi).

17 (f) "Fund" means the domestic violence prevention and
18 treatment fund created in section 5.

19 (g) "Prime sponsor" means a county, city, village, or township
20 of this state, or a combination thereof, or a private, nonprofit
21 association or organization.

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.