

HOUSE BILL No. 5969

October 19, 2016, Introduced by Rep. Kosowski and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 2157a (MCL 600.2157a), as added by 1984 PA 340.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2157a. (1) For purposes of this section:

2 (a) "Confidential communication" means information transmitted
3 between a victim and a sexual assault, ~~or~~ domestic violence, **OR**
4 **HUMAN TRAFFICKING** counselor, or between a victim or sexual assault,
5 ~~or~~ domestic violence, **OR HUMAN TRAFFICKING** counselor and any other
6 person to whom disclosure is reasonably necessary to further the
7 interests of the victim, in connection with the rendering of
8 advice, counseling, or other assistance by the sexual assault, ~~or~~
9 domestic violence, **OR HUMAN TRAFFICKING** counselor to the victim.

10 (b) "Domestic violence" means that term as defined in section

1 ~~1501 of Act No. 389 of the Public Acts of 1978, being section~~
2 ~~400.1501 of the Michigan Compiled Laws.~~ **1 OF 1978 PA 389, MCL**
3 **400.1501.**

4 (C) "HUMAN TRAFFICKING" MEANS A VIOLATION OF CHAPTER LXVIIA OF
5 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.462A TO 750.462H.

6 (D) "HUMAN TRAFFICKING COUNSELOR" MEANS A PERSON WHO IS
7 EMPLOYED BY OR VOLUNTEERS AT AN ORGANIZATION FOR THE PURPOSE OF
8 PROVIDING ADVICE, COUNSELING, OR OTHER ASSISTANCE TO VICTIMS OF
9 HUMAN TRAFFICKING.

10 (E) ~~(e)~~ "Sexual assault" means assault with intent to commit
11 criminal sexual conduct.

12 (F) ~~(d)~~ "Sexual assault or domestic violence counselor" means
13 a person who is employed at or who volunteers service at a sexual
14 assault or domestic violence crisis center, and who in that
15 capacity provides advice, counseling, or other assistance to
16 victims of sexual assault or domestic violence and their families.

17 (G) ~~(e)~~ "Sexual assault or domestic violence crisis center"
18 means an office, institution, agency, or center ~~which~~ **THAT** offers
19 assistance to victims of sexual assault or domestic violence and
20 their families through crisis intervention and counseling.

21 (f) "Victim" means a person who was or who alleges to have
22 been the subject of ~~a~~ sexual assault, ~~or~~ ~~of~~ domestic violence, **OR**
23 **HUMAN TRAFFICKING.**

24 (2) Except as provided by section 11 of the child protection
25 law, ~~Act No. 238 of the Public Acts of 1975, being section 722.631~~
26 ~~of the Michigan Compiled Laws,~~ **1975 PA 238, MCL 722.631,** a
27 confidential communication, or any report, working paper, or

1 statement contained in a report or working paper, given or made in
2 connection with a consultation between a victim and a sexual
3 assault, ~~or~~ domestic violence, **OR HUMAN TRAFFICKING** counselor,
4 ~~shall~~ **IS** not ~~be~~ admissible as evidence in any civil or criminal
5 proceeding without the prior written consent of the victim.

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