

SENATE BILL No. 978

May 3, 2018, Introduced by Senator KNEZEK and referred to the Committee on Judiciary.

A bill to authorize the formation of homicide review teams with certain powers and duties; and to provide for the powers and duties of certain state and local governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This state, a county, or a city may establish an
2 interagency homicide review team. Two or more counties, 2 or more
3 cities, or 1 or more counties with 1 or more cities may establish a
4 single homicide review team for that county or city, or for those
5 counties or cities. The purpose of a homicide review team is to
6 identify systemic gaps in homicide investigations, and to evaluate
7 and make recommendations regarding resources that assist families
8 affected by homicides and that address potential root causes of

1 homicides. Subject to the requirements of this section, each
2 homicide review team may determine its structure and specific
3 activities.

4 (2) A homicide review team may review files and records, and
5 interview individuals who may have knowledge regarding a homicide.
6 The review of a homicide may include a review of events leading up
7 to the fatality, available community resources, current laws and
8 policies, actions taken by the agencies and individuals related to
9 the incident and the parties involved, and any other information
10 considered relevant by the homicide review team. The homicide
11 review team may determine the number and type of incidents it
12 wishes to review and analyze.

13 (3) A homicide review team and its members are entitled to the
14 protections granted under this section if the homicide review team
15 is convened under this section and in compliance with the
16 requirements of this section. Except as provided under subsection
17 (6), a homicide review team must be convened by an appropriate
18 city, county, or district local health department.

19 (4) A homicide review team established under this section must
20 include, but is not limited to, the following members from within
21 the geographic area served by the homicide review team:

22 (a) One representative from each of the following:

23 (i) A local health department.

24 (ii) A law enforcement agency.

25 (iii) The state court administrative office or the
26 administrative office of a circuit or district court.

27 (iv) The office of the sheriff.

1 (v) The department of health and human services.

2 (vi) The business community.

3 (vii) A program that provides crime victims' services.

4 (b) The medical examiner or his or her designee.

5 (c) The county prosecutor or city attorney or his or her
6 designee.

7 (d) The United States Attorney or his or her designee.

8 (e) A judge or magistrate.

9 (f) A probation officer.

10 (5) A homicide review team established under this section may
11 include a member or members not listed in subsection (4) if the
12 individual or individuals have knowledge regarding homicides or
13 nonlethal incidents of violence and suicide, including research,
14 policy, law, or other matters connected with fatal incidents.

15 (6) If a state homicide review team is convened, the state
16 homicide review team must be convened by the department of health
17 and human services.

18 (7) Subject to this subsection and subsection (10),
19 information obtained or created by or for a homicide review team is
20 confidential and not subject to discovery or the freedom of
21 information act, 1976 PA 442, MCL 15.231 to 15.246. Documents
22 created by or for the homicide review team are not subject to
23 subpoena, except that documents and records otherwise available
24 from other sources are not exempt from subpoena, discovery, or
25 introduction into evidence from other sources solely because they
26 were presented to or reviewed by a homicide review team.
27 Information relevant to the investigation of a crime may be

1 disclosed by a homicide review team only to the prosecuting
2 attorney or to a law enforcement agency. Information required to be
3 reported under the child protection law, 1975 PA 238, MCL 722.621
4 to 722.638, must be disclosed by a homicide review team to the
5 department of health and human services. A prosecuting attorney, a
6 law enforcement agency, and the department of health and human
7 services may use information received under this subsection in
8 carrying out their lawful responsibilities. Individuals and the
9 organizations represented by individuals who participate as members
10 of a homicide review team shall sign a confidentiality agreement
11 acknowledging the confidentiality provisions of this section.

12 (8) An individual who provides information to a homicide
13 review team shall sign a confidentiality notice acknowledging that
14 any information he or she provides to a homicide review team must
15 be kept confidential by the homicide review team, but is subject to
16 possible disclosure to the prosecuting attorney, a law enforcement
17 agency, or the department of health and human services as provided
18 in subsection (7).

19 (9) Homicide review team meetings are closed to the public and
20 are not subject to the open meetings act, 1976 PA 267, MCL 15.261
21 to 15.275. A document that contains personal identifying
22 information must not be disclosed in any report that is available
23 to the public.

24 (10) A homicide review team convened under this section shall
25 prepare an annual report of findings, recommendations, and steps
26 taken to implement recommendations. The report must not contain
27 information identifying any victim of a homicide, or that

1 individual's family members, or an alleged or suspected perpetrator
2 of a crime upon a victim, or that individual's family members. The
3 report must cover each calendar year or portion of a calendar year
4 during which a homicide review team is convened, and the report
5 must be provided to the local or state governing entity on or
6 before March 1 of the following year. If a homicide review team
7 develops a form to report annual findings and recommendations,
8 other homicide review teams may use that form.

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

11 (12) A homicide review team, any member of a homicide review
12 team, any individual providing information to a homicide review
13 team, or any other person or agency acting within the scope of this
14 section is immune from all civil liability resulting from an act or
15 omission arising out of and in the course of the homicide review
16 team's, member's, individual's, person's, or agency's performance
17 of that activity, unless the act or omission was the result of
18 gross negligence or willful misconduct. This section must not be
19 construed to limit the immunity conferred by 1964 PA 170, MCL
20 691.1401 to 691.1419, or any other immunity provided by statute or
21 common law.

22 (13) Subject to available funding, a homicide review team may
23 do any of the following:

24 (a) Hold 1 or more town hall meetings each calendar year for
25 community input if policy, ordinance, and community resources are
26 recommended.

27 (b) Produce public service announcements to raise community

1 awareness about the adverse public health impact of homicides.

2 (c) Form a rapid response team to provide behavioral health
3 services to communities experiencing trauma after a homicide.

4 (14) If a homicide review team develops a protocol, other
5 homicide review teams may follow that protocol.

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