

HOUSE BILL NO. 4095

February 03, 2021, Introduced by Reps. Lasinski, Whitsett, Glenn, Whiteford, Calley, Brabec, Kahle, Rendon, Paquette, Bollin, Wozniak, Clemente, Camilleri, Hammoud, Anthony, Puri, Thanedar, Bolden, Stone, Allor, Jones and Yancey and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 27b of chapter VIII (MCL 768.27b), as amended
by 2018 PA 372.

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, ~~or~~ sexual assault, **or human**

1 **trafficking**, evidence of the defendant's commission of other acts
2 of domestic violence, ~~or sexual assault~~, **or human trafficking** is
3 admissible for any purpose for which it is relevant, if it is not
4 otherwise excluded under Michigan rule of evidence 403.

5 (2) If the prosecuting attorney intends to offer evidence
6 under this section, the prosecuting attorney shall disclose the
7 evidence, including the statements of witnesses or a summary of the
8 substance of any testimony that is expected to be offered, to the
9 defendant not less than 15 days before the scheduled date of trial
10 or at a later time as allowed by the court for good cause shown.

11 (3) This section does not limit or preclude the admission or
12 consideration of evidence under any other statute, including, but
13 not limited to, under section 27a, rule of evidence, or case law.

14 (4) Evidence of an act occurring more than 10 years before the
15 charged offense is inadmissible under this section unless the court
16 determines that 1 or more of the following apply:

17 (a) The act was a sexual assault that was reported to law
18 enforcement within 5 years of the date of the sexual assault.

19 (b) The act was a sexual assault and a sexual assault evidence
20 kit was collected.

21 (c) The act was a sexual assault and the testing of evidence
22 connected to the assault resulted in a DNA identification profile
23 that is associated with the defendant.

24 (d) Admitting the evidence is in the interest of justice.

25 ~~(5) The amendatory act that amended this subsection does~~ **2018**
26 **PA 372 did** not alter or in any manner affect the statutes of
27 limitation for the offenses described in this section.

28 (6) As used in this section:

29 (a) "Domestic violence" or "offense involving domestic

1 violence" means an occurrence of 1 or more of the following acts by
2 a person that is not an act of self-defense:

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

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

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

10 (iv) Engaging in activity toward a family or household member
11 that would cause a reasonable person to feel terrorized,
12 frightened, intimidated, threatened, harassed, or molested.

13 (b) "Family or household member" means any of the following:

14 (i) A spouse or former spouse.

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

16 (iii) An individual with whom the person has or has had a child
17 in common.

18 (iv) An individual with whom the person has or has had a dating
19 relationship. As used in this subparagraph, "dating relationship"
20 means frequent, intimate associations primarily characterized by
21 the expectation of affectional involvement. This term does not
22 include a casual relationship or an ordinary fraternization between
23 2 individuals in a business or social context.

24 (c) **"Human trafficking" means a violation of chapter LXVIIA of**
25 **the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.**

26 (d) ~~(e)~~ "Sexual assault" means a listed offense as that term
27 is defined in section 2 of the sex offenders registration act, 1994
28 PA 295, MCL 28.722.

29 (7) This section applies to trials and evidentiary hearings

1 commenced or in progress on or after May 1, 2006.