

SENATE BILL NO. 337

March 25, 2021, Introduced by Senator RUNESTAD and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 15c of chapter IV (MCL 764.15c), as amended by
2001 PA 210.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IV
2 Sec. 15c. (1) After investigating or intervening in a domestic
3 violence incident, a peace officer shall provide the victim with a
4 copy of the notice in this section. The notice ~~shall~~**must** be

1 written and ~~shall~~**must** include all of the following:

2 (a) The name and telephone number of the responding police
3 agency.

4 (b) The name and badge number of the responding peace officer.

5 (c) Substantially the following statement:

6 "You may obtain a copy of the police incident report for your
7 case by contacting this law enforcement agency at the telephone
8 number provided.

9 The domestic violence shelter program and other resources in
10 your area are (include local information).

11 Information about emergency shelter, counseling services, and
12 the legal rights of domestic violence victims is available from
13 these resources.

14 Your legal rights include the right to go to court and file a
15 petition requesting a personal protection order to protect you or
16 other members of your household from domestic abuse which could
17 include restraining or enjoining the abuser from doing the
18 following:

19 (a) Entering onto premises.

20 (b) Assaulting, attacking, beating, molesting, or wounding
21 you.

22 (c) Threatening to kill or physically injure you or another
23 person.

24 (d) Removing minor children from you, except as otherwise
25 authorized by a custody or parenting time order issued by a court
26 of competent jurisdiction.

27 (e) Engaging in stalking behavior.

28 (f) Purchasing or possessing a firearm.

29 (g) Interfering with your efforts to remove your children or

1 personal property from premises that are solely owned or leased by
2 the abuser.

3 (h) Interfering with you at your place of employment or
4 education or engaging in conduct that impairs your employment
5 relationship or your employment or educational environment.

6 (i) Engaging in any other specific act or conduct that imposes
7 upon or interferes with your personal liberty or that causes a
8 reasonable apprehension of violence.

9 (j) Having access to information in records concerning any
10 minor child you have with the abuser that would inform the abuser
11 about your address or telephone number, the child's address or
12 telephone number, or your employment address.

13 Your legal rights also include the right to go to court and
14 file a motion for an order to show cause and a hearing if the
15 abuser is violating or has violated a personal protection order and
16 has not been arrested.".

17 (2) The peace officer shall prepare a domestic violence report
18 after investigating or intervening in a domestic violence incident.
19 ~~Effective October 1, 2002, a~~ A peace officer shall use the standard
20 domestic violence incident report form developed under subsection
21 (4) or a form substantially similar to that standard form to report
22 a domestic violence incident. The report ~~shall~~ **must** contain, but is
23 not limited to containing, all of the following:

24 (a) The address, date, and time of the incident being
25 investigated.

26 (b) The victim's name, address, home and work telephone
27 numbers, race, sex, and date of birth.

28 (c) The suspect's name, address, home and work telephone
29 numbers, race, sex, date of birth, and information describing the

1 suspect and whether an injunction or restraining order covering the
2 suspect exists.

3 (d) The name, address, home and work telephone numbers, race,
4 sex, and date of birth of any witness, including a child of the
5 victim or suspect, and the relationship of the witness to the
6 suspect or victim.

7 (e) The following information about the incident being
8 investigated:

9 (i) The name of the person who called the law enforcement
10 agency.

11 (ii) The relationship of the victim and suspect.

12 (iii) Whether alcohol or controlled substance use was involved
13 in the incident, and by whom it was used.

14 (iv) A brief narrative describing the incident and the
15 circumstances that led to it.

16 (v) Whether and how many times the suspect physically
17 assaulted the victim and a description of any weapon or object
18 used.

19 (vi) A description of all injuries sustained by the victim and
20 an explanation of how the injuries were sustained.

21 (vii) If the victim sought medical attention, information
22 concerning where and how the victim was transported, whether the
23 victim was admitted to a hospital or clinic for treatment, and the
24 name and telephone number of the attending physician.

25 (viii) A description of any property damage reported by the
26 victim or evident at the scene.

27 **(f) Whether the officer is investigating for a violation of**
28 **chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL**
29 **750.462a to 750.462h.**

1 **(g)** ~~(f)~~—A description of any previous domestic violence
2 incidents between the victim and the suspect.

3 **(h)** ~~(g)~~—The date and time of the report and the name, badge
4 number, and signature of the peace officer completing the report.

5 (3) The law enforcement agency shall retain the completed
6 domestic violence report in its files. The law enforcement agency
7 shall also file a copy of the completed domestic violence report
8 with the prosecuting attorney within 48 hours after the domestic
9 violence incident is reported to the law enforcement agency.

10 (4) By June 1, 2002, the department of state police shall
11 develop a standard domestic violence incident report form.

12 (5) As used in this section:

13 (a) "Dating relationship" means that term as defined in
14 section 2950 of the revised judicature act of 1961, 1961 PA 236,
15 MCL 600.2950.

16 (b) "Domestic violence incident" means an incident reported to
17 a law enforcement agency involving allegations of 1 or both of the
18 following:

19 (i) A violation of a personal protection order issued under
20 section 2950 of the revised judicature act of 1961, 1961 PA 236,
21 MCL 600.2950, or a violation of a valid foreign protection order.

22 (ii) A crime committed by an individual against his or her
23 spouse or former spouse, an individual with whom he or she has had
24 a child in common, an individual with whom he or she has or has had
25 a dating relationship, or an individual who resides or has resided
26 in the same household.

27 (c) "Foreign protection order" means that term as defined in
28 section 2950h of the revised judicature act of 1961, 1961 PA 236,
29 MCL 600.2950h.

1 (d) "Valid foreign protection order" means a foreign
2 protection order that satisfies the conditions for validity
3 provided in section 2950i of the revised judicature act of 1961,
4 1961 PA 236, MCL 600.2950i.

5 Enacting section 1. This amendatory act takes effect 120 days
6 after the date it is enacted into law.