

Act No. 275
Public Acts of 2020
Approved by the Governor
December 29, 2020
Filed with the Secretary of State
December 29, 2020
EFFECTIVE DATE: December 29, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Calley, Farrington, Pagan, Manoogian, Guerra, Clemente, Sneller, Hoadley, Bolden, Rendon, Koleszar, Anthony, Stone, Kuppa, Wittenberg, Hood, Hammoud, Warren, Hope, Cynthia Johnson, Sowerby, Yaroch, Greig, Garrett, Lasinski, Brenda Carter and Yancey

ENROLLED HOUSE BILL No. 5055

AN ACT to amend 1927 PA 175, entitled “An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 15c of chapter IV (MCL 764.15c), as amended by 2001 PA 210.

The People of the State of Michigan enact:

CHAPTER IV

Sec. 15c. (1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section.

(2) The notice under subsection (1) must be written and, subject to subsection (3), must include all of the following:

- (a) The name and telephone number of the responding police agency.
- (b) The name and badge number of the responding peace officer.

(c) Substantially the following statement:

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

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

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

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

- (a) Entering onto premises.
- (b) Assaulting, attacking, beating, molesting, or wounding you.
- (c) Threatening to kill or physically injure you or another person.
- (d) Removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- (e) Engaging in stalking behavior.
- (f) Purchasing or possessing a firearm.
- (g) Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- (h) Interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or educational environment.
- (i) Engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.
- (j) Having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child’s address or telephone number, or your employment address.

(k) Injuring, killing, torturing, neglecting, removing, or retaining an animal in which you have an ownership interest to cause you mental distress or to exert control over you.

(l) Threatening to injure, kill, torture, or neglect an animal in which you have an ownership interest to cause you mental distress or to exert control over you.

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

(3) Once the department of the attorney general develops and implements the address confidentiality program as provided in section 19(4) of the address confidentiality program act, the statement in the written notice under subsection (2)(c) must also include substantially the following statement:

“If you change your residence and would like to keep your new address confidential, you may apply to the department of the attorney general for certification as a program participant in the address confidentiality program.”

(4) The peace officer shall prepare a domestic violence report after investigating or intervening in a domestic violence incident. A peace officer shall use the standard domestic violence incident report form developed under subsection (6) or a form substantially similar to that standard form to report a domestic violence incident. The report must contain, but is not limited to containing, all of the following:

- (a) The address, date, and time of the incident being investigated.
- (b) The victim’s name, address, home and work telephone numbers, race, sex, and date of birth.
- (c) The suspect’s name, address, home and work telephone numbers, race, sex, date of birth, and information describing the suspect and whether an injunction or restraining order covering the suspect exists.
- (d) The name, address, home and work telephone numbers, race, sex, and date of birth of any witness, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim.
- (e) The following information about the incident being investigated:
 - (i) The name of the person who called the law enforcement agency.
 - (ii) The relationship of the victim and suspect.
 - (iii) Whether alcohol or controlled substance use was involved in the incident, and by whom it was used.
 - (iv) A brief narrative describing the incident and the circumstances that led to it.
 - (v) Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used.
 - (vi) A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.

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

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

(f) A description of any previous domestic violence incidents between the victim and the suspect.

(g) The date and time of the report and the name, badge number, and signature of the peace officer completing the report.

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

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

(7) As used in this section:

(a) "Address confidentiality program" means the program created in the address confidentiality program act.

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

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

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

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

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

(e) "Program participant" means that term as defined in section 3 of the address confidentiality program act.

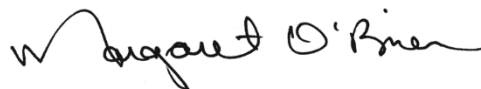
(f) "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 70 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: Senate Bill No. 70, referred to in enacting section 1, was filed with the Secretary of State December 29, 2020, and became 2020 PA 301, Imd. Eff. Dec. 29, 2020.