



HOUSE BILL No. 5717

May 2, 2000, Introduced by Reps. Schauer, Basham, Jamnick, Gielegem, Dennis, Martinez, Hale, Pappageorge, Woodward and Jacobs and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1985 PA 87, entitled
"Crime victim's rights act,"
(MCL 780.751 to 780.834) by adding sections 22b, 46b, and 80a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 22B. (1) UPON CONVICTION OF A DEFENDANT FOR A CRIME
2 INVOLVING DOMESTIC VIOLENCE, THE COURT SHALL INQUIRE OF THE
3 VICTIM OF THAT CRIME WHETHER HE OR SHE WOULD LIKE TO BE CERTIFIED
4 AS A VICTIM OF DOMESTIC VIOLENCE FOR PURPOSES OF SECTION 208E OF
5 THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.208E. IF THE
6 INDIVIDUAL INFORMS THE COURT THAT HE OR SHE WOULD LIKE TO BE CER-
7 TIFIED AS A VICTIM OF DOMESTIC VIOLENCE, THE COURT SHALL PROMPTLY
8 MAKE THAT CERTIFICATION. THE CERTIFICATION SHALL BE ON A FORM
9 AND IN THE MANNER PRESCRIBED BY THE SECRETARY OF STATE. THE
10 COURT SHALL FORWARD THE CERTIFICATION TO THE SECRETARY OF STATE
11 WITHIN 7 DAYS AFTER THE CERTIFICATION IS MADE.

1 (2) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS THAT
2 TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.

3 SEC. 46B. (1) UPON CONVICTION OR ADJUDICATION OF A JUVENILE
4 FOR AN OFFENSE INVOLVING DOMESTIC VIOLENCE, THE COURT SHALL
5 INQUIRE OF THE VICTIM OF THAT CRIME WHETHER HE OR SHE WOULD LIKE
6 TO BE CERTIFIED AS A VICTIM OF DOMESTIC VIOLENCE FOR PURPOSES OF
7 SECTION 208E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
8 MCL 257.208E. IF THE INDIVIDUAL INFORMS THE COURT THAT HE OR SHE
9 WOULD LIKE TO BE CERTIFIED AS A VICTIM OF DOMESTIC VIOLENCE, THE
10 COURT SHALL PROMPTLY MAKE THAT CERTIFICATION. THE CERTIFICATION
11 SHALL BE ON A FORM AND IN THE MANNER PRESCRIBED BY THE SECRETARY
12 OF STATE. THE COURT SHALL FORWARD THE CERTIFICATION TO THE SEC-
13 RETARY OF STATE WITHIN 7 DAYS AFTER THE CERTIFICATION IS MADE.

14 (2) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS THAT
15 TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.

16 SEC. 80A. (1) UPON CONVICTION OF A DEFENDANT FOR A SERIOUS
17 MISDEMEANOR INVOLVING DOMESTIC VIOLENCE, THE COURT SHALL INQUIRE
18 OF THE VICTIM OF THAT CRIME WHETHER HE OR SHE WOULD LIKE TO BE
19 CERTIFIED AS A VICTIM OF DOMESTIC VIOLENCE FOR PURPOSES OF SEC-
20 TION 208E OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
21 MCL 257.208E. IF THE INDIVIDUAL INFORMS THE COURT THAT HE OR SHE
22 WOULD LIKE TO BE CERTIFIED AS A VICTIM OF DOMESTIC VIOLENCE, THE
23 COURT SHALL PROMPTLY MAKE THAT CERTIFICATION. THE CERTIFICATION
24 SHALL BE ON A FORM AND IN THE MANNER PRESCRIBED BY THE SECRETARY
25 OF STATE. THE COURT SHALL FORWARD THE CERTIFICATION TO THE SEC-
26 RETARY OF STATE WITHIN 7 DAYS AFTER THE CERTIFICATION IS MADE.

1 (2) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS THAT
2 TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. _____ or House Bill No. 5716
5 (request no. 05527'99) of the 90th Legislature is enacted into
6 law.