



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**VARIOUS DOMESTIC VIOLENCE
REVISIONS**

House Bill 5270

Sponsor: Rep. Sandra Caul

House Bill 5271

Sponsor: Rep. Gary A. Newell

House Bill 5280

Sponsor: Rep. Gene DeRossett

Committee: Criminal Justice

Complete to 10-27-01

A SUMMARY OF HOUSE BILLS 5270, 5271 AND 5280 AS INTRODUCED 10-17-01

House Bill 5270 would amend Public Act 189 of 1966 (MCL 780.654 and 780.655) to specify that if a copy of the affidavit (which is used to establish probable cause grounds for issuing a warrant) is attached to a warrant, a peace officer would not be required to show or give the affidavit, or a copy, to any person whose premises were being searched. Similarly, if property or things were seized under the warrant, the officer would not have to give a copy of the affidavit to that person nor would he or she have to leave a copy at the place from which the property or things were taken. Further, under the act, the officer must make a tabulation of the property and things seized and file the tabulation promptly with a court or magistrate. Under current law, the tabulation can be suppressed by court order until the final disposition of the case. The bill would also allow an affidavit to be suppressed, by court order, until the final disposition.

House Bill 5271 would amend Public Act 319 of 1968 (MCL 28.257), which provides for a uniform crime reporting system. Under the act, a report must be filed with the Department of State Police by a local law enforcement agency with specific information related to crimes of domestic assault. The bill would change this reference to domestic violence incidents and make the following changes to the types of information that would have to be included in the report:

- Include the number of crimes reported involving a person and his or her spouse and former spouse and the disposition of those offenses.
- Include the number of crimes involving a person and an individual with whom he or she has had a child in common, or has had a dating relationship.
- Include the number of crimes involving a person and a resident or former resident of his or her household.

House Bill 5280 would amend Public Act 389 of 1978 (MCL 400.1511), the domestic violence act, to allow counties to establish interagency domestic violence death review teams to review deaths resulting from domestic violence. A team could include, but would not be limited to, an individual trained in forensic pathology, a health care professional with training and

House Bills 5270, 5271 and 5280 (10-27-01)

experience in domestic violence abuse, a medical examiner, an individual trained or educated with experience in criminology, a prosecuting attorney, a representative of a domestic violence shelter that was receiving funding from the Domestic Violence Prevention and Treatment Board, a representative from a battered woman's advocacy organization, or a law enforcement officer.

A domestic violence death review team could receive reports, items, statements, or other information from any source concerning a domestic violence death that occurred within the county. Reports and information related to a domestic violence death would have to be released by a governmental agency to a review team. The team would have to prepare a report, to be forwarded to the board, on each domestic violence death that it reviewed. The report would be confidential and not subject to disclosure under the Freedom of Information Act.

Analyst: S. Stutzky

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.