

Reps. Howell, Accavitti, Acciavatti, Bradstreet, Brandenburg, Caswell, Caul, DeRossett, Emmons, Garfield, Gleason, Hager, Hummel, Jamnick, Koetje, Kooiman, Lipsey, Meyer, Milosch, Minore, Palmer, Sheen, Shulman, Stahl, Stakoe, Tobocman, Vander Veen and Voorhees offered the following resolution:

House Resolution No. 327.

A resolution to urge the Governor to appoint a task force examining alleged abuse in the issuance of personal protection orders.

Whereas, Personal protection orders (PPOs) are court orders protecting individuals from harassment, assault, beating, molesting, wounding, or stalking by another person. PPOs can also prohibit the assailant or potential assailant from entering the petitioner's premises, from removing minor children unless the removal is part of court-ordered visitation, and from having access to information in children's records that would reveal the respondent's address, phone number, and employment location; and

Whereas, For over a decade, Michigan has been a national leader in protecting domestic violence victims. During the 1993-94 session, the Legislature and the Governor worked together to enact comprehensive legislation significantly improving the state's response to domestic violence. Specifically, the Legislature made stalking a crime and allowed threats, harassment, and terrorizing acts to be prosecuted, providing needed protection for victims before actual physical attacks occurred. In 1994, the Governor created the Governor's Task Force on Domestic Violence, a special bipartisan domestic violence task force to investigate the long-standing obstacles for victims and potential victims to obtaining domestic abuse injunctions. The following year, the Legislature, acting upon the task force's recommendations, created PPOs; and

Whereas, In 1996, the Prosecuting Attorney's Association of Michigan and the Michigan Family Independence Agency's Domestic Violence Prevention and Treatment Board co-chaired a task force to look into widespread complaints of PPO misuse, difficulties in the granting of PPOs, and law enforcement's response to domestic violence. The Legislature, in response, enacted a package of public acts in 1999 to help eliminate PPO mistreatment in cases involving neighborhood disputes and expand the situations where police officers can arrest PPO violators. Further, in 2000, the Governor convened the Homicide Prevention Task Force to assess the current status of domestic violence laws and programs, and to identify areas of concern. The many recommendations that the Legislature subsequently enacted included fingerprinting and record-keeping requirements for criminal contempt violations of PPOs. The next year, the Legislature enacted a measure generally requiring law enforcement officers, prosecutors, and courts to enforce foreign PPOs in the same manner that Michigan-issued PPOs are enforced; and

Whereas, Although many people have benefited from our path-breaking statutes, many in the legal community believe that the process in which PPOs are granted is frequently being abused. For example, petitioners who are denied PPOs in one county may simply file for orders in another county instead of seeking appeals. Victims sometimes lure the person named in the PPO to their homes and then cite them for violations. In some instances, judges grant a disproportionate number of PPOs while other judges grant fewer. Another concern is that PPOs are not always served on a timely basis; now, therefore, be it

Resolved by the House of Representatives, That we urge the Governor to appoint a task force examining alleged abuse in the issuance of personal protection orders; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the Governor.