

# HOUSE BILL No. 5348

February 10, 2016, Introduced by Reps. Leutheuser, Barrett, Kosowski and Lucido and referred to the Committee on Military and Veterans Affairs.

A bill to amend 1961 PA 236, entitled "Revised judiciary act of 1961," by amending section 1200 (MCL 600.1200), as added by 2012 PA 335.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1200. As used in this chapter:

2           ~~— (a) "Armed forces" means the army, air force, navy, marine~~  
3 ~~corps, coast guard, or other military force designated by congress~~  
4 ~~as a part of the armed forces of the United States.~~

5           ~~— (b) "Department of military and veterans affairs" or "DMVA"~~  
6 ~~means the department of military and veterans affairs established~~  
7 ~~under section 125 of the executive organization act of 1965, 1965~~  
8 ~~PA 380, MCL 16.225.~~

9           (A) ~~(e)~~ "Department of veterans affairs" **VETERANS AFFAIRS** or  
10 "VA" means the United States ~~department of veterans~~  
11 ~~affairs.~~ **DEPARTMENT OF VETERANS AFFAIRS.**

1           (B) ~~(d)~~—"Domestic violence offense" means any crime alleged to  
2 have been committed by an individual against his or her spouse or  
3 former spouse, an individual with whom he or she has a child in  
4 common, an individual with whom he or she has had a dating  
5 relationship, or an individual who resides or has resided in the  
6 same household.

7           (C) ~~(e)~~—"L.E.I.N." means the law enforcement information  
8 network regulated under the C.J.I.S. policy council act, 1974 PA  
9 163, MCL 28.211 to 28.215.

10           (D) ~~(f)~~—"Mental illness" means a substantial disorder of  
11 thought or mood that significantly impairs judgment, behavior,  
12 capacity to recognize reality, or ability to cope with the ordinary  
13 demands of life, including, but not limited to, post-traumatic  
14 stress disorder and psychiatric symptoms associated with traumatic  
15 brain injury.

16           (E) ~~(g)~~—"Participant" means an individual who is admitted into  
17 a veterans treatment court.

18           (F) ~~(h)~~—"Prosecutor" means the prosecuting attorney of the  
19 county, the city attorney, the village attorney, or the township  
20 attorney.

21           (G) ~~(i)~~—"Traffic offense" means a violation of the Michigan  
22 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a violation of  
23 a local ordinance substantially corresponding to a violation of  
24 that act, that involves the operation of a vehicle and, at the time  
25 of the violation, is a felony or misdemeanor.

26           (H) ~~(j)~~—"Veteran" means ~~any of the following:~~

27           ~~(i) A person who served on active duty in the armed forces for~~

1 a period of more than 180 days and separated from the armed forces  
2 in a manner other than a dishonorable discharge.

3 ~~—— (ii) A person discharged or released from active duty because~~  
4 ~~of a service related disability.~~

5 ~~—— (iii) A member of a reserve branch of the armed forces at the~~  
6 ~~time he or she was ordered to active duty during a period of war,~~  
7 ~~or in a campaign or expedition for which a campaign badge is~~  
8 ~~authorized, and was released from active duty in a manner other~~  
9 ~~than a dishonorable discharge.~~ **THAT TERM AS DEFINED IN SECTION 1 OF**  
10 **1965 PA 190, MCL 35.61.**

11 (I) ~~(k)~~ "Veteran service organization" or "VSO" means an  
12 organization that is accredited by the United States ~~department of~~  
13 ~~veterans affairs,~~ **DEPARTMENT OF VETERANS AFFAIRS**, as recognized  
14 under 38 CFR 14.628.

15 (J) ~~(l)~~ "Veterans treatment court" or "veterans court" means a  
16 court adopted or instituted under section 1201 that provides a  
17 supervised treatment program for individuals who are veterans and  
18 who abuse or are dependent upon any controlled substance or alcohol  
19 or suffer from a mental illness.

20 (K) ~~(m)~~ "Violent offender" means an individual who is  
21 currently charged with or has pled guilty to an offense involving  
22 the death of, or a serious bodily injury to, any individual,  
23 whether or not any of these circumstances are an element of the  
24 offense, or **AN OFFENSE THAT** is criminal sexual conduct in any  
25 degree.

26 Enacting section 1. This amendatory act takes effect 90 days  
27 after the date it is enacted into law.

1           Enacting section 2. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 5332 (request no.  
3 02698'15 \*) of the 98th Legislature is enacted into law.