

HOUSE BILL No. 5929

September 22, 2016, Introduced by Rep. Kosowski and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 389, entitled

"An act to provide for the prevention and treatment of domestic violence; to develop and establish policies, procedures, and standards for providing domestic violence assistance programs and services; to create a domestic violence prevention and treatment board and prescribe its powers and duties; to establish a domestic violence prevention and treatment fund and provide for its use; to prescribe powers and duties of the family independence agency; to prescribe immunities and liabilities of certain persons and officials; and to prescribe penalties for violations of this act,"

by amending sections 1 and 7 (MCL 400.1501 and 400.1507), section 1 as amended by 2000 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (A) "ANIMAL IN WHICH A FAMILY MEMBER OR HOUSEHOLD MEMBER HAS
3 AN OWNERSHIP INTEREST" MEANS AN ANIMAL AS TO WHICH 1 OR MORE OF THE
4 FOLLOWING CONDITIONS EXIST:

5 (i) A VICTIM OF DOMESTIC VIOLENCE OR THE VICTIM'S CHILD HAS A
6 RIGHT OF PROPERTY IN THE ANIMAL.

1 (ii) A VICTIM OF DOMESTIC VIOLENCE OR THE VICTIM'S CHILD KEEPS
2 OR HARBORS THE ANIMAL.

3 (iii) THE ANIMAL IS IN THE CARE OF THE VICTIM OF DOMESTIC
4 VIOLENCE OR THE VICTIM'S CHILD.

5 (iv) THE VICTIM OR THE VICTIM'S CHILD PERMITS THE ANIMAL TO
6 REMAIN ON OR ABOUT PREMISES OCCUPIED BY THE VICTIM OR THE VICTIM'S
7 CHILD.

8 (B) ~~(a)~~ "Board" means the domestic violence prevention and
9 treatment board created in section 2.

10 (C) ~~(b)~~ "Dating relationship" means frequent, intimate
11 associations primarily characterized by the expectation of
12 affectional involvement. Dating relationship does not include a
13 casual relationship or an ordinary fraternization between 2
14 individuals in a business or social context.

15 (D) ~~(c)~~ "Department" means the ~~family independence~~
16 ~~agency~~ DEPARTMENT OF HEALTH AND HUMAN SERVICES.

17 (E) ~~(d)~~ "Domestic violence" means the occurrence of any of the
18 following acts by a person that is not an act of self-defense:

19 (i) Causing or attempting to cause physical or mental harm to
20 a family or household member.

21 (ii) CAUSING OR ATTEMPTING TO CAUSE PHYSICAL HARM TO AN ANIMAL
22 IN WHICH A FAMILY OR HOUSEHOLD MEMBER HAS AN OWNERSHIP INTEREST BY
23 CONDUCT THAT WOULD VIOLATE SECTION 50B OF THE MICHIGAN PENAL CODE,
24 1931 PA 328, MCL 750.50B, WHETHER OR NOT THE PERSON IS CHARGED WITH
25 OR PROSECUTED FOR THAT VIOLATION.

26 (iii) ~~(ii)~~ Placing a family or household member in fear of
27 physical or mental harm.

1 **(iv)** ~~**(iii)**~~—Causing or attempting to cause a family or
2 household member to engage in involuntary sexual activity by force,
3 threat of force, or duress.

4 **(v)** ~~**(iv)**~~—Engaging in activity toward a family or household
5 member that would cause a reasonable person to feel terrorized,
6 frightened, intimidated, threatened, harassed, or molested.

7 **(F)** ~~**(e)**~~—"Family or household member" includes any of the
8 following:

9 (i) A spouse or former spouse.

10 (ii) An individual with whom the person resides or has
11 resided.

12 (iii) An individual with whom the person has or has had a
13 dating relationship.

14 (iv) An individual with whom the person is or has engaged in a
15 sexual relationship.

16 (v) An individual to whom the person is related or was
17 formerly related by marriage.

18 (vi) An individual with whom the person has a child in common.

19 (vii) The minor child of an individual described in
20 subparagraphs (i) to (vi).

21 **(G)** ~~**(f)**~~—"Fund" means the domestic violence prevention and
22 treatment fund created in section 5.

23 **(H)** ~~**(g)**~~—"Prime sponsor" means a county, city, village, or
24 township of this state, or a combination thereof, or a private,
25 nonprofit association or organization.

26 Sec. 7. (1) A prime sponsor may receive funds under this act
27 to establish or maintain a shelter program for victims of domestic

1 violence, ~~and their dependent children,~~ **AND ANIMALS IN WHICH THE**
2 **VICTIM OF DOMESTIC VIOLENCE HAS AN OWNERSHIP INTEREST.** Emergency
3 shelter may be provided directly at a facility operated by the
4 prime sponsor or indirectly at transient or residential facilities
5 available in the community. A shelter program shall either provide
6 not less than 3 of the following services or assist the victim in
7 obtaining information and referral services to not less than 3 of
8 the following services:

9 (a) Crisis and support counseling for victims of domestic
10 violence and their dependent children.

11 (b) Emergency health care services, **INCLUDING VETERINARY CARE**
12 **FOR AN ANIMAL IN WHICH THE DOMESTIC VIOLENCE VICTIM HAS AN**
13 **OWNERSHIP INTEREST.**

14 (c) Legal assistance.

15 (d) Financial assistance.

16 (e) Housing assistance.

17 (f) Transportation assistance.

18 (g) Child care services.

19 (2) To the extent possible, a prime sponsor which establishes
20 a shelter program under this section shall utilize services
21 provided by county community mental health programs established
22 under chapter 2 of ~~Act No. 258 of the Public Acts of 1974, as~~
23 ~~amended, being sections 330.1200 to 330.1246 of the Michigan~~
24 ~~Compiled Laws.~~ **THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1200A TO**
25 **330.1245.**

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