

HOUSE BILL No. 5278

November 28, 2017, Introduced by Reps. Neeley, Sneller, Durhal, Gay-Dagnogo, Moss, Faris, Ellison, Graves, Rendon, Brinks, Schor, Chirkun, Hammoud, Pagan, Guerra, Phelps, Scott, Chang, Lasinski and Geiss and referred to the Committee on Law and 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 the title and sections 1, 2, and 4 (MCL 400.1501, 400.1502, and 400.1504), the title as amended by 2001 PA 192 and section 1 as amended by 2000 PA 84.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for the prevention and treatment of domestic **AND SEXUAL** violence; to develop and establish policies, procedures, and standards for providing domestic **AND SEXUAL** violence assistance

1 programs and services; to ~~create a~~ **DECLARE THE POWERS AND DUTIES OF**
 2 **THE** domestic **AND SEXUAL** violence prevention and treatment board;
 3 ~~and prescribe its powers and duties;~~ to establish a domestic
 4 violence prevention and treatment fund and provide for its use; to
 5 ~~prescribe~~ **PROVIDE FOR THE** powers and duties of ~~the family~~
 6 ~~independence agency;~~ **CERTAIN STATE GOVERNMENTAL OFFICERS AND**
 7 **ENTITIES;** to prescribe immunities and liabilities of certain
 8 persons and officials; and to prescribe penalties for violations of
 9 this act.

10 Sec. 1. As used in this act:

11 (a) "Board" means the domestic **AND SEXUAL** violence prevention
 12 and treatment board ~~created in section 2.~~ **CREATED UNDER EXECUTIVE**
 13 **ORDER NO. 2012-17.**

14 (b) "Dating relationship" means frequent, intimate
 15 associations primarily characterized by the expectation of
 16 affectional involvement. Dating relationship does not include a
 17 casual relationship or an ordinary fraternization between 2
 18 individuals in a business or social context.

19 (c) "Department" means the ~~family independence~~
 20 ~~agency.~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

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

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

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

27 (iii) Causing or attempting to cause a family or household

1 member to engage in involuntary sexual activity by force, threat of
2 force, or duress.

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

6 (e) "Family or household member" includes any of the
7 following:

8 (i) A spouse or former spouse.

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

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

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

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

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

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

20 (f) "Fund" means the domestic violence prevention and
21 treatment fund created in section 5.

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

25 Sec. 2. (1) The domestic **AND SEXUAL** violence prevention and
26 treatment board ~~is created in the department. The board shall~~
27 ~~consist~~ **UNDER EXECUTIVE ORDER NO. 2012-17 CONSISTS** of 7 members,

1 all of whom ~~shall~~ **MUST** have experience in an area related to the
 2 problems of domestic **OR SEXUAL** violence. The members shall be
 3 appointed by the governor with the advice and consent of the
 4 senate.

5 (2) ~~The term~~ **MEMBERS** of ~~office of a member~~ **THE BOARD** shall be
 6 **SERVE FOR TERMS OF** 3 years, ~~except that~~ ~~of~~ the members first
 7 appointed, ~~2~~ shall serve for a term of 1 year, 2 shall serve for a
 8 term of 2 years, and 1 shall serve for a term of 3 years. ~~and of~~
 9 ~~the 2 additional members appointed under this 1979 amendatory act,~~
 10 ~~1 shall serve for a term of 2 years and 1 shall serve for a term of~~
 11 ~~3 years.~~ A member appointed to fill a vacancy occurring other than
 12 by expiration of a term shall ~~shall~~ **MUST** be appointed for the remainder
 13 of the unexpired term.

14 (3) The governor shall designate 1 member of the board to
 15 serve as chairperson. A majority of the members shall ~~shall~~ **OF THE BOARD**
 16 constitute a quorum.

17 (4) The per diem compensation of the board and the schedule
 18 for reimbursement of expenses shall ~~shall~~ **WILL** be established annually by
 19 the legislature.

20 Sec. 4. The department shall provide staff to enable the board
 21 to carry out the following powers and duties **ESTABLISHED UNDER**
 22 **EXECUTIVE ORDER NO. 2012-17:**

23 (a) Coordinate and monitor programs and services funded under
 24 this act for the prevention of domestic **AND SEXUAL** violence and the
 25 treatment of victims of domestic **AND SEXUAL** violence.

26 (b) Develop standards for the implementation and
 27 administration of services and procedures to prevent domestic **AND**

1 **SEXUAL** violence and to provide services and programs for victims of
2 domestic **AND SEXUAL** violence.

3 (c) Provide planning and technical assistance to prime
4 sponsors for the development, implementation, and administration of
5 programs and services for the prevention of domestic **AND SEXUAL**
6 violence and the treatment of victims of domestic **AND SEXUAL**
7 violence.

8 (d) Conduct research to develop and implement effective means
9 for preventing domestic **AND SEXUAL** violence and treating victims of
10 domestic **AND SEXUAL** violence.

11 (e) Provide assistance to the department of state police in
12 developing a system for monitoring and maintaining a uniform
13 reporting system to provide accurate statistical data on domestic
14 **AND SEXUAL** violence.

15 (f) Coordinate educational and public informational programs
16 for the purpose of developing appropriate public awareness
17 regarding the problems of domestic **AND SEXUAL** violence; encourage
18 professional persons and groups to recognize and deal with problems
19 of domestic **AND SEXUAL** violence; to make information about the
20 problems of domestic **AND SEXUAL** violence available to the public,
21 ~~and~~ organizations, and agencies ~~which~~ **THAT** deal with problems of
22 domestic **AND SEXUAL** violence; and encourage the development of
23 community programs to prevent domestic **AND SEXUAL** violence and
24 provide services to victims of domestic **AND SEXUAL** violence.

25 (g) Study and recommend changes in civil and criminal **LAWS AND**
26 procedures ~~which~~ **THAT** will enable victims of domestic **AND SEXUAL**
27 violence to receive equitable and fair treatment under the law.

1 (h) Advise the legislature and governor on the nature,
2 magnitude, and priorities of the problem of domestic **AND SEXUAL**
3 violence and the needs of victims of domestic **AND SEXUAL** violence;
4 and recommend **APPROPRIATE** changes in state **LAWS AND** programs ~~7~~
5 ~~statutes,~~ **RELATED TO DOMESTIC AND SEXUAL VIOLENCE.**

6 (I) **DEVELOP** policies, budgets, and standards ~~which~~ **THAT** will
7 reduce the problem **OF DOMESTIC AND SEXUAL VIOLENCE** and improve the
8 condition of victims.

9 (J) **ADMINISTER GRANTS AWARDED PURSUANT TO 34 USC 12291 TO**
10 **20126, THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT, 42 USC**
11 **10401 TO 10414, AND OTHER GOVERNMENTAL OR NONGOVERNMENTAL GRANTS**
12 **DESIGNATED BY THE DEPARTMENT.**

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