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**SFA****BILL ANALYSIS**

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Senate Bill 735 (Substitute S-1 as reported)  
Sponsor: Senator Bill Bullard, Jr.  
Committee: Judiciary

## **CONTENT**

The bill would amend the Code of Criminal Procedure to include dating relationships in several domestic assault or aggravated domestic assault provisions. Currently, these provisions apply if the victim is the offender's spouse or former spouse, an individual who has had a child in common with the offender, or an individual who is or was residing in the same household as the offender. Under the bill, the provisions also would apply if the victim currently or formerly had a dating relationship with the offender. These provisions do the following:

- Allow a police officer to arrest a person without a warrant for domestic assault or aggravated domestic assault if the officer has reasonable cause to believe that the violation occurred or is occurring.
- Prohibit a police officer from issuing an appearance ticket to someone arrested without a warrant for domestic assault or aggravated domestic assault.
- Allow a court to defer further proceedings and place the accused on probation, and require the person to be discharged upon filling the conditions of probation, if he or she has not been previously convicted of assault or aggravated assault and pleads guilty to or is found guilty of domestic assault or aggravated domestic assault.

In addition, the Code provides that a defendant convicted of an assaultive crime and awaiting sentence may not be granted bail unless the court finds by clear and convincing evidence that he or she is not likely to pose a danger to others. The bill would add aggravated stalking to the list of assaultive crimes in that provision.

MCL 764.9c et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

The bill would have no fiscal impact on the State.

To the extent that the bill decreased the number of individuals given appearance tickets by including victims with whom the offender has had a dating relationship for the purposes of Code's restriction, the bill would increase costs to local governments. A person waiting for a hearing would be held in a local facility. Local units would incur the cost of incarceration, which may vary between \$27 and \$62 per day.

To the extent that the bill increased the use of probation as punishment for offenders who plead guilty by including offenses against victims with whom the offender has had a dating relationship, it would have an indeterminate impact on local governments. It could potentially increase the use of probation as a diversion from incarceration, which would decrease costs to local governments. The bill also could increase the use of probation for offenders the courts would otherwise not be able to convict, thereby increasing the costs to local governments.

Date Completed: 11-6-01

Fiscal Analyst: B. Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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