

HOUSE BILL No. 5283

October 17, 2001, Introduced by Reps. Hale, Hummel, Vander Veen, Woronchak, Allen, Birkholz, Middaugh, Cassis, Newell, Shackleton, Richardville, Gilbert, Meyer, Jelinek, Pumford, Scranton, Patterson, Toy, DeVuyst, Kuipers and Sanborn and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 27b to chapter VIII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VIII

SEC. 27B. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), IF THE
DEFENDANT IS ACCUSED OF COMMITTING A CRIME INVOLVING DOMESTIC
VIOLENCE OR VIOLATING A PERSONAL PROTECTION ORDER ISSUED AS A
RESULT OF DOMESTIC VIOLENCE AND THE VICTIM IS THE DEFENDANT'S
SPOUSE, FORMER SPOUSE, AN INDIVIDUAL WITH WHOM THE DEFENDANT HAS
HAD A CHILD IN COMMON, AN INDIVIDUAL WITH WHOM THE DEFENDANT HAS
HAD A DATING RELATIONSHIP, OR A RESIDENT OR FORMER RESIDENT OF
THE SAME HOUSEHOLD AS THE DEFENDANT, EVIDENCE OF THE DEFENDANT'S
COMMISSION OF PRIOR ACTS OF DOMESTIC VIOLENCE IS ADMISSIBLE AND
NOT PROHIBITED BY MICHIGAN RULE OF EVIDENCE 404.

1 (2) IN AN ACTION IN WHICH EVIDENCE IS OFFERED UNDER THIS
2 SECTION, THE PROSECUTION SHALL DISCLOSE THE EVIDENCE TO THE
3 DEFENDANT, INCLUDING A WITNESS STATEMENT OR A SUMMARY OF THE SUB-
4 STANCE OF TESTIMONY THAT IS EXPECTED TO BE OFFERED.

5 (3) THIS SECTION DOES NOT LIMIT OR PRECLUDE THE COURT FROM
6 ALLOWING EVIDENCE TO BE ADMITTED UNDER ANY OTHER STATUTE, RULE OF
7 EVIDENCE, OR CASE LAW.

8 (4) EVIDENCE OF AN ACT OCCURRING MORE THAN 10 YEARS BEFORE
9 THE CHARGED OFFENSE IS INADMISSIBLE UNDER THIS SECTION, UNLESS
10 THE COURT DETERMINES THAT ADMITTING THE EVIDENCE IS IN THE INTER-
11 EST OF JUSTICE.

12 (5) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE" MEANS THAT
13 TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.