

HOUSE BILL No. 4026

January 12, 2017, Introduced by Rep. Kosowski 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 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:

Sec. 1. As used in this act:

(A) "ANIMAL" MEANS AN ANIMAL AS TO WHICH 1 OR MORE OF THE FOLLOWING CONDITIONS EXIST:

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

(ii) A VICTIM OF DOMESTIC VIOLENCE OR THE VICTIM'S CHILD KEEPS

1 OR HARBORS THE ANIMAL.

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

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

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

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

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

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

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

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

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

27 (iv) ~~(iii)~~—Causing or attempting to cause a family or

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

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

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

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

25 Sec. 7. (1) A prime sponsor may receive funds under this act
26 to establish or maintain a shelter program for victims of domestic
27 violence, ~~and~~ their dependent children, **AND ANIMALS**. Emergency

shelter may be provided directly at a facility operated by the prime sponsor or indirectly at transient or residential facilities available in the community. A shelter program ~~shall~~**MUST** either provide not less than 3 of the following services or assist the victim in obtaining information and referral services to not less than 3 of the following services:

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

(b) Emergency health care services, **INCLUDING VETERINARY CARE FOR AN ANIMAL.**

(c) Legal assistance.

(d) Financial assistance.

(e) Housing assistance.

(f) Transportation assistance.

(g) Child care services.

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

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