

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 516

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 27b of chapter VIII (MCL 768.27b), as amended  
by 2018 PA 372.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER VIII

1  
2       Sec. 27b. (1) Except as provided in subsection (4), in a  
3 criminal action in which the defendant is accused of an offense  
4 involving domestic violence, ~~or~~ sexual assault, **or a violation of**  
5 **chapter LXVII or chapter LXVIIA of the Michigan penal code, 1931 PA**  
6 **328, MCL 750.448 to 750.462 and 750.462a to 750.462h,** evidence of  
7 the defendant's commission of other acts of domestic violence, ~~or~~  
8 sexual assault, **or acts constituting violations of chapter LXVII or**

1 **chapter LXVIIIA of the Michigan penal code, 1931 PA 328, MCL 750.448**  
2 **to 750.462 and 750.462a to 750.462h**, is admissible for any purpose  
3 for which it is relevant, if it is not otherwise excluded under  
4 Michigan rule of evidence 403.

5 (2) If the prosecuting attorney intends to offer evidence  
6 under this section, the prosecuting attorney shall disclose the  
7 evidence, including the statements of witnesses or a summary of the  
8 substance of any testimony that is expected to be offered, to the  
9 defendant not less than 15 days before the scheduled date of trial  
10 or at a later time as allowed by the court for good cause shown.

11 (3) This section does not limit or preclude the admission or  
12 consideration of evidence under any other statute, including, but  
13 not limited to, under section 27a **of this chapter**, rule of  
14 evidence, or case law.

15 (4) Evidence of an act occurring more than 10 years before the  
16 charged offense is inadmissible under this section unless the court  
17 determines that 1 or more of the following apply:

18 (a) The act was a sexual assault that was reported to law  
19 enforcement within 5 years of the date of the sexual assault.

20 (b) The act was a sexual assault and a sexual assault evidence  
21 kit was collected.

22 (c) The act was a sexual assault and the testing of evidence  
23 connected to the assault resulted in a DNA identification profile  
24 that is associated with the defendant.

25 (d) Admitting the evidence is in the interest of justice.

26 (5) The **2018** amendatory act that amended this subsection ~~does~~  
27 **did** not alter or in any manner affect the statutes of limitation  
28 for the offenses described in this section.

29 (6) As used in this section:

1 (a) "Domestic violence" or "offense involving domestic  
2 violence" means an occurrence of 1 or more of the following acts by  
3 a person that is not an act of self-defense:

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

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

8 (iii) Causing or attempting to cause a family or household  
9 member to engage in involuntary sexual activity by force, threat of  
10 force, or duress.

11 (iv) Engaging in activity toward a family or household member  
12 that would cause a reasonable ~~person~~**individual** to feel terrorized,  
13 frightened, intimidated, threatened, harassed, or molested.

14 (b) "Family or household member" means any of the following:

15 (i) A spouse or former spouse.

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

17 (iii) An individual with whom the person has or has had a child  
18 in common.

19 (iv) An individual with whom the person has or has had a dating  
20 relationship. As used in this subparagraph, "dating relationship"  
21 means frequent, intimate associations primarily characterized by  
22 the expectation of affectional involvement. This term does not  
23 include a casual relationship or an ordinary fraternization between  
24 2 individuals in a business or social context.

25 (c) "Sexual assault" means a listed offense as that term is  
26 defined in section 2 of the sex offenders registration act, 1994 PA  
27 295, MCL 28.722.

28 (7) This section applies to trials and evidentiary hearings  
29 commenced or in progress on or after May 1, 2006.