

SENATE BILL No. 232

February 27, 2003, Introduced by Senators JOHNSON and HAMMERSTROM and referred to the Committee on Judiciary.

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

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, evidence of the defendant's
5 commission of other domestic violence is not made inadmissible by
6 Michigan rule of evidence 404 regarding character evidence or
7 evidence of other crimes, wrongs, or acts, if the evidence is not
8 excluded under the Michigan rule of evidence 403 regarding the
9 probative value of the evidence.

10 (2) In an action in which evidence is offered under this
11 section, the prosecution shall disclose the evidence to the

1 defendant, including a witness statement or a summary of the
2 substance of testimony that is expected to be offered.

3 (3) This section does not limit or preclude the admitting or
4 considering of evidence under any other statute, rule of
5 evidence, or case law.

6 (4) Evidence of an act occurring more than 10 years before
7 the charged offense is inadmissible under this section, unless
8 the court determines that admitting this evidence is in the
9 interest of justice.

10 (5) As used in this section:

11 (a) "Family or household member" means 1 of the following:

12 (i) A spouse or former spouse.

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

15 (iii) An individual with whom the person has a child in
16 common.

17 (b) "Offense involving domestic violence" means an occurrence
18 of 1 or more of the following acts by a person that is not an act
19 of self-defense:

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

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

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

27 (iv) Engaging in activity toward a family or household member

1 that would cause a reasonable person to feel terrorized,
2 frightened, intimidated, threatened, harassed, or molested.