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BILL ANALYSIS

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Senate Bill 170 (as reported without amendment)  
Sponsor: Senator Bruce Patterson  
Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to include an individual with whom a victim currently has or previously had a "dating relationship" in provisions relating to arrests in domestic violence situations. The bill also would revise certain sentencing guidelines provisions.

The Code requires a magistrate to issue an arrest warrant upon presentation of a proper complaint and a finding of reasonable cause to believe that the accused individual committed that offense. The magistrate may not refuse to accept a complaint alleging assault or aggravated assault in certain domestic violence situations, on grounds that the complaint is signed upon information and belief by an individual other than the victim. The bill would include a dating relationship in those situations.

The Code requires each police agency in Michigan to develop, adopt, and implement policies for officers responding to domestic violence calls. The policies must emphasize that the officer should consider certain factors when determining whether to make an arrest of one or both individuals in certain domestic violence situations. The bill would include a dating relationship in those situations.

Currently, the sentencing guidelines list a four-year statutory maximum penalty for the intentional false report of child abuse. The bill would change that to a variable statutory maximum penalty. The sentencing guidelines currently refer to a felony of wearing body armor during the commission of "violent crime". The bill would refer instead to "certain crimes". The bill also would change the sentencing guidelines citations to sections of the Michigan Compiled Laws governing damaging or destroying research property.

MCL 764.1a et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

By revising procedural guidelines regarding domestic violence arrests to include individuals with whom a victim has or has had a dating relationship, the bill would bring this section in line with recent statutory changes concerning domestic violence offenses. Therefore, the bill would have no likely fiscal impact on State or local government.

Date Completed: 2-8-05

Fiscal Analyst: Bethany Wicksall