



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 257 (as reported without amendment)
Sponsor: Senator Stephanie Chang
Committee: Judiciary and Public Safety

CONTENT

The bill would amend Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to change, for the purposes of deferred domestic violence proceedings, Michigan Compiled Laws references pertaining to certain assault and battery offenses.

Under Section 4a of Chapter IX of the Code, a court may defer the proceedings against a first-time domestic assault offender, and dismiss the charges after he or she serves a probationary period. An individual may receive only one discharge and dismissal under Section 4a. The discharge and dismissal must be without adjudication of guilt and is not a conviction for purposes of Section 4a or for disqualification or disabilities imposed by law upon conviction of a crime, but it is a prior conviction in a prosecution under Sections 81(3) and (4) and 81a(3) of the Michigan Penal Code.

Instead of Section 81(3) and (4) of the Penal Code, the bill would refer to Sections 81(4) and (5), respectively.

(Formerly, Sections 81(3) and (4) prescribed certain felonies for an individual who commits an assault or an assault and battery against his or her spouse or former spouse, an individual with whom he or she currently or previously had a dating relationship, an individual with whom he or she had a child in common, or a resident or former resident of his or her household.

Public Act 87 of 2016 retained the felony provisions specified in Sections 81(3) and 81(4), but renumbered them as Sections 81(4) and 81(5), respectively.)

MCL 769.4a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 5-15-19

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