

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.15c Investigation or intervention in domestic violence dispute; providing victim with notice of rights; address confidentiality program; report; retention and filing of report; development of standard domestic violence incident report form; definitions.

Sec. 15c.

(1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section.

(2) The notice under subsection (1) must be written and, subject to subsection (3), must include all of the following:

- (a) The name and telephone number of the responding police agency.
- (b) The name and badge number of the responding peace officer.
- (c) Substantially the following statement:

"You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided.

The domestic violence shelter program and other resources in your area are (include local information).

Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.

Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse which could include restraining or enjoining the abuser from doing the following:

- (a) Entering onto premises.
- (b) Assaulting, attacking, beating, molesting, or wounding you.
- (c) Threatening to kill or physically injure you or another person.
- (d) Removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- (e) Engaging in stalking behavior.
- (f) Purchasing or possessing a firearm.
- (g) Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- (h) Interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or educational environment.
- (i) Engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.
- (j) Having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child's address or telephone number, or your employment address.
- (k) Injuring, killing, torturing, neglecting, removing, or retaining an animal in which you have an ownership interest to cause you mental distress or to exert control over you.
- (l) Threatening to injure, kill, torture, or neglect an animal in which you have an ownership interest to cause you mental distress or to exert control over you.

Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a personal protection order and has not been arrested."

(3) Once the department of the attorney general develops and implements the address confidentiality program as provided in section 19(4) of the address confidentiality program act, the statement in the written notice under subsection (2)(c) must also include substantially the following statement:

"If you change your residence and would like to keep your new address confidential, you may apply to the department of the attorney general for certification as a program participant in the address confidentiality program."

(4) The peace officer shall prepare a domestic violence report after investigating or intervening in a domestic violence incident. A peace officer shall use the standard domestic violence incident report form developed under subsection (6) or a form substantially similar to that standard form to report a domestic violence incident. The report must contain, but is not limited to containing, all of the following:

- (a) The address, date, and time of the incident being investigated.
- (b) The victim's name, address, home and work telephone numbers, race, sex, and date of birth.
- (c) The suspect's name, address, home and work telephone numbers, race, sex, date of birth, and information describing the suspect and whether an injunction or restraining order covering the suspect exists.
- (d) The name, address, home and work telephone numbers, race, sex, and date of birth of any witness, including

a child of the victim or suspect, and the relationship of the witness to the suspect or victim.

(e) The following information about the incident being investigated:

(i) The name of the person who called the law enforcement agency.

(ii) The relationship of the victim and suspect.

(iii) Whether alcohol or controlled substance use was involved in the incident, and by whom it was used.

(iv) A brief narrative describing the incident and the circumstances that led to it.

(v) Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used.

(vi) A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.

(vii) If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician.

(viii) A description of any property damage reported by the victim or evident at the scene.

(f) A description of any previous domestic violence incidents between the victim and the suspect.

(g) The date and time of the report and the name, badge number, and signature of the peace officer completing the report.

(5) The law enforcement agency shall retain the completed domestic violence report in its files. The law enforcement agency shall also file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours after the domestic violence incident is reported to the law enforcement agency.

(6) By June 1, 2002, the department of state police shall develop a standard domestic violence incident report form.

(7) As used in this section:

(a) "Address confidentiality program" means the program created in the address confidentiality program act.

(b) "Dating relationship" means that term as defined in section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.

(c) "Domestic violence incident" means an incident reported to a law enforcement agency involving allegations of 1 or both of the following:

(i) A violation of a personal protection order issued under section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, or a violation of a valid foreign protection order.

(ii) A crime committed by an individual against his or her spouse or former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual who resides or has resided in the same household.

(d) "Foreign protection order" means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.

(e) "Program participant" means that term as defined in section 3 of the address confidentiality program act.

(f) "Valid foreign protection order" means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i.

History: Add. 1985, Act 222, Eff. Mar. 31, 1986 ;-- Am. 1994, Act 60, Eff. July 1, 1994 ;-- Am. 1994, Act 63, Eff. July 1, 1994 ;-- Am. 1994, Act 418, Eff. Apr. 1, 1995 ;-- Am. 1996, Act 15, Eff. June 1, 1996 ;-- Am. 1998, Act 475, Eff. Mar. 1, 1999 ;-- Am. 1999, Act 269, Eff. July 1, 2000 ;-- Am. 2001, Act 207, Eff. Apr. 1, 2002 ;-- Am. 2001, Act 210, Eff. Apr. 1, 2002 ;-- Am. 2020, Act 275, Imd. Eff. Dec. 29, 2020