



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**INCLUDE DATING RELATIONSHIP
IN DEF. OF DOMESTIC VIOLENCE**

House Bill 5272

Sponsor: Rep. Sue Tabor

House Bill 5274

Sponsor: Rep. William J. O'Neil

House Bill 5276

Sponsor: Rep. Randy Richardville

Committee: Criminal Justice

Complete to 10-27-01

A SUMMARY OF HOUSE BILLS 5272, 5274, AND 5276 AS INTRODUCED 10-17-01

The bills would amend various acts to include a current or past dating relationship in the definition of domestic relationships for charging domestic relationship assault or assault and battery, domestic relationship aggravated assault, filing a domestic violence report, and denial of interim bond for domestic relationship arrests. Specifically, the bills would do the following:

House Bill 5272 would amend the Michigan Penal Code (MCL 750.81 and 750.81a). Currently, a domestic violence (or domestic relationship) assault, assault or battery, or aggravated assault includes an incident in which an individual assaults or assaults and batters his or her spouse or former spouse, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household. The bill would amend various provisions relating to first, second, and subsequent charges of domestic violence-related assault and assault and battery to include an incident involving an individual with whom the person had had or still was conducting a dating relationship.

House Bill 5274 would amend the Code of Criminal Procedure (MCL 764.15c). Currently, after investigating or intervening in a domestic violence incident, a peace officer is required to prepare a domestic violence report. The bill would amend the definition of "domestic violence incident" to include a crime committed by an individual against an individual with whom he or she has had a dating relationship. (The act defines "dating relationship" as meaning that term as defined in the domestic violence act, Public Act 389 of 1978 (MCL 400.1501). Public Act 389 defines "dating relationship" as frequent, intimate associations primarily characterized by the expectation of affectional involvement, but that does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.)

House Bill 5276 would amend Public Act 1961 (MCL 780.582a), which provides for the release of misdemeanor prisoners by giving bond to the arresting officer. Under the act, a person can be released on bond or on his or her personal recognizance until the time of the arraignment. However, release on bond is not available to a person arrested for domestic violence (or domestic relationship) assault, assault and battery, or aggravated assault – unless a magistrate is

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unavailable for arraignment within 24 hours, in which case a person could be released on interim bond or on his or her own recognizance after being held for 20 hours. House Bill 5276 would include in the description of domestic violence-related assault, assault and battery, and aggravated assault those crimes committed against an individual with whom the person has had a dating relationship or with whom the person had a child in common. (“Dating relationship” means that term as defined in the Revised Judicature Act (MCL 600.2950), which is substantially the same as defined in Public Act 389 of 1978, above.)

Analyst: S. Stutzky

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.