

# Legislative Analysis

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## TECHNICAL REVISIONS TO CODE OF CRIMINAL PROCEDURES

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**House Bill 5409 (Substitute H-1)**  
**Sponsor: Rep. Barb Vander Veen**  
**Committee: Criminal Justice**

**Complete to 11-30-04**

### A SUMMARY OF HOUSE BILL 5409 SUBSTITUTE H-1

House Bill 5409 would amend the Code of Criminal Procedure (MCL 764.1a et al.) to revise two sections of the sentencing guidelines portion of the code and to make several other revisions relating to crimes that involve individuals in a dating relationship.

Section 15g of the code currently specifies that the crime of an intentional false report of child abuse constituting a felony has a statutory maximum term of imprisonment of four years, even though a sentence can be based on the punishment allowed for the level of child abuse that the false report alleged. The bill would instead specify that the maximum term of imprisonment would be "variable."

Section 16m specifies that wearing body armor during the commission of a violent crime – in violation of MCL 750.227f (Section 227f of the Michigan Penal Code) – is a Class F felony against the public safety with a four-year maximum term of imprisonment. The bill would replace "violent crime" with "certain crimes".

Further, the bill would include crimes committed by an individual with whom the victim had or has had a dating relationship in a provision prohibiting a magistrate from refusing to accept a complaint alleging a violation of the assault laws and a provision pertaining to written policies for police officers responding to domestic violence calls. In both instances, "dating relationship" would mean frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship would not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

### **FISCAL IMPACT:**

The bill would have no fiscal impact on state or local units of government.

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