

MCEDSV Requested Amendments to Criminal Procedure Revisions Package

SB 1046 (H-1)

page 3, line 18, middle of line strike ~~or~~

page 3, at the end of line 19

subsection (4) add: ... , **any other violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h.**

Officer discretion to make a custodial arrest upon a finding of probable cause for the crimes of assault & battery, aggravated assault, and misdemeanor stalking should remain as provided under current law. These are serious crimes. Actual and/or threatened harm to another person should be a sufficient basis for an arrest if probable cause exists, without an officer being required to overcome a presumption for issuance of an appearance ticket by establishing any additional factor.

SB 1050 (H-1)

page 6, after line3:

subsection (10), add:

(g) an offense listed under section 2a of this chapter.

(h) an offense for which a defense was asserted under section 36 of chapter VIII.

(i) a violation of chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.42a to 750.462h, or former section 462i or 462j of that act.

MCEDSV appreciates that this bill specifically prohibits early discharge from probation for domestic violence and stalking offenses. **Victims of sexual assault and human trafficking deserve the same protections.** Language in existing statute (page 2, lines 10-11) appears to provide an exception for the crimes listed in section 2a of this chapter and section 36 of chapter VIII. However, neither section explicitly "provides" an exception for early discharge from probation; they only list certain crimes and allowable probation terms and conditions. As currently written, it may be construed that crimes included under "listed offenses", such as assault with intent to commit CSC, child sexually abusive materials crimes, accosting a minor, and many other sex offenses would not be excepted. This clarification is critically important for sexual assault victims. Further, section 2a does not include human trafficking offenses, which should also be made ineligible for early discharge from probation.

SB 1051 (S-2)

page 2, line 26:

subsection (4), add after "applicable":

including, but not limited to, the safety needs of the victim or a request by the victim for protective conditions.

MCEDSV supports parole conditions being specifically tailored to address the needs and circumstances of the individual being paroled. **Provisions for specified, individualized consideration of victim needs and concerns should also be provided.**