



Michigan Coalition to End Domestic & Sexual Violence

**Comments Before the House Oversight Committee from the
Michigan Coalition to End Domestic and Sexual Violence in
Opposition to HB 4795**

June 9, 2022

Chairman Johnson, and members of the House Oversight Committee, on behalf of the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV), thank you for this opportunity to share our serious concerns with HB 4795. MCEDSV represents 73 domestic and sexual violence agencies that provide comprehensive services to survivors throughout our state. Our member programs are leaders at the front line of advocacy for victims navigating legal systems.

We have reviewed the H-2 draft substitute available for HB 47950 and, unfortunately, continue to strongly oppose this bill. This bill would require the court to hear an emergency motion filed by a defendant in a criminal matter within 48 hours of its being filed, or within 24 hours if the emergency motion alleged a deprivation of liberty.

MCEDSV believes that HB 4795, as introduced, and in the proposed substitute, would put lives at risk and is counter to the constitutional mandate to protect victims from the accused throughout the judicial process. Most domestic violence murders occur when there is an attempt by the victim to separate themselves from their perpetrator, either by leaving, or by systemic intervention (such involvement with the criminal justice system).¹ As a result, many reasonable protections have been created to reduce the lethality of pre-trial release. This bill would undermine and even eliminate such protections as a "deprivation of liberty." Life-saving protections like GPS tethers and no-contact orders technically deprive the accused of liberty as defined here. Under HB 4795, the accused could have free range to punish their victim, through violence or repeated legal action, for their participation with the judicial system.

The criminal justice system must carefully balance the constitutional rights of victims and the accused. HB 4795, even as revised, eliminates essential, even-life saving rights and protections for victims. Thank you for your consideration of our views.

Please do not hesitate to contact me with any questions or concerns.

Heath B. Lowry, heath.lowry@mcedv.org

¹ Bernard, M.L., and J.L. Bernard, "Violent Intimacy: The Family as a Model for Love Relationships," *Family Relations* 32 (1983): 283-286; Daly, M., and M. Wilson, "Evolutionary Social Psychology and Family Homicide," *Science* 242 (1988): 519-524.