

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
May 14, 2021**

***** Approved *****

Members Present:

F/Lt. Yvonne Brantley
Elizabeth Pollard Hines
Hon. Amy Ronayne Krause, Chair
Sue Snyder
Matt Wiese

Members Absent with Notice:

Hon. Thomas Cameron
Hon. Melissa Lopez Pope

Staff Present:

Jess Averill
Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Gail Krieger
Karen Porter
Angela Povilaitis
Lore Rogers
Robert Spada

WELCOME AND INTRODUCTIONS

A. Ronayne Krause convened the May 14, 2021 Michigan Domestic and Sexual Violence Prevention and Treatment Board Zoom meeting at 1:30 p.m. She provided an overview of the Michigan Domestic and Sexual Violence Prevention and Treatment Board and explained how the remote Zoom meeting would proceed.

BOARD CONSENT

Review of May 14, 2021 agenda and approval of April 16, 2021 meeting minutes.

MOTION: Moved by Y. Brantley to approve the May 14, 2021 agenda. Motion seconded by L. Hines. Motion carried.

MOTION: Moved by L. Hines to approve the April 16, 2021 meeting minutes. Motion seconded by Y. Brantley. Motion carried.

CHAIR'S REPORT

A. Ronayne Krause appreciated everyone's support and kind sentiments following her mother's recent passing.

By appointment of the Chief Justice, A. Krause is co-chairing the Task Force on Open Courts, Media, and Privacy. The Task Force is working hard to deal with privacy issues concerning virtual court proceedings. She asked if L. Hines, M. Wiese, and M. Pope would participate in a sub-committee to discuss these issues.

The 2021 Champion of Justice Award was presented to Kathy Hagenian, the Executive Policy Director for the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV). In her 35+ years of experience in the movement to end violence against women, Kathy has been recognized for her commitment to survivor empowerment and to ensuring that the experience of survivors and advocates continue to be at the forefront of the work. She is widely respected for her leadership in policy initiatives and has had influence in major legislative reform efforts including her role in the Coalition to End Legalized Rape, fighting to include domestic violence indicators in child custody laws, playing a major role in making Michigan the first in the nation to define stalking as a general intent crime and other anti-stalking law, as well as being instrumental in the early reforms to Michigan's criminal justice response to domestic violence. Kathy said she was fortunate to work with so many great people at the Board. The award will be handed to her in person at a ceremony in the front the Hall of Justice next week.

EXECUTIVE DIRECTOR'S REPORT – GENERAL OVERVIEW OF WORK TO DATE

D. Cain said staff are looking at several initiatives and spending a lot of time with state partners and victim programs to gain valuable information to report back to the Board. She said staff will be returning to the Grand Tower Building on July 12th.

LEGISLATIVE REVIEW

A. Povilaitis discussed HB 4670 - 4673 which would create "productivity credits" to be earned by eligible MDOC prisoners, eliminating Truth in Sentencing in Michigan. HB 4670 - 4673 would amend the corrections code, the criminal procedure code, and the Crime Victims' Rights Act. These bills would allow offenders to be eligible to receive productivity credits if they were not convicted of homicide, criminal sexual conduct, or human trafficking. Productivity credits are earned by either enrollment or completion of educational or vocational MDOC programs and then used to reduce an inmate's minimum and maximum sentence thus making them eligible for early parole. Truth in Sentencing requires that a defendant serve their minimum sentence in its entirety which benefits domestic violence and sexual assault victims by providing them with a definite parole date for their offenders.

MOTION: Moved by M. Wiese to oppose HB 4670 – 4673. Motion seconded by L. Hines.

A. Povilaitis spoke about HB 4674 – 4675 which would substantially alter the Crime Victim Compensation statute. The Crime Victim Compensation statute governs a fund that allows victims to seek reimbursement for out-of-pocket losses if they have suffered personal physical injury as the result of a crime. HB 4674 would significantly expand who is eligible for a compensation award and also expand compensation claims beyond personal physical injury to include mental or emotional injury. HB 4674 – 4675 could reduce eligibility for federal matching funds, contributing to the depletion of the Fund and reducing funding currently available to victims to help pay for things such as medical expenses, burial expenses, and loss of wages, if the bills as written are passed.

MOTION: Moved by L. Hines to oppose HB 4674 – 4675 as written. Motion seconded by Y. Brantley. Motion carried.

Currently, victims of domestic violence, sexual assault or stalking can be released from their rental payment obligations under MCL 554.601b. HB 4676 would create a new section in the landlord tenant act which expands who can be released from their lease agreement and payment obligation. This expansion would allow crime victims of other serious crimes and additional family members the opportunity to terminate their lease agreements.

Recommendations for this bill include: 1. Including a provision noting that nothing in this section precludes an eligible tenant from the protections and relief under MCL 554.601b. 2. Remove “psychological injury” from subsection 1(d). Could also replace with the current language of 1b “reasonable apprehension of present danger.” 3. Adding the following regarding landlord notice to tenants of their statutory rights: “If the rental agreement does not contain such a provision, the landlord shall post written notice visible to a reasonable person in the landlord’s property management office or deliver written notice to the tenant when the lease agreement is signed. The content of the written notice shall be identical to the provision in this section.”

MOTION: Moved by L. Hines to be neutral with suggested amendments on HB 4676, and support the bill in concept. Motion seconded by Y. Brantley. Motion carried.

HB 4677 expands the Paid Medical Leave Act to require employers to allow employees to use paid medical leave for purposes related to certain acts of crime. Currently only victims and family members of domestic violence and sexual assault can use their paid medical leave for things such as attending court or counseling. HB 4677 expands the definition of family members to include fiancés or an individual who resides with the eligible employee in an intimate or romantic relationship. It would also include any other individual related by blood or affinity who either resides with the eligible employee or resided with the eligible employee for a period of not less than 2 years.

Recommendations for this bill include: 1. Better definitions of “victim and witness advocate” and “victim services organization.” 2. Remove or define “psychological injury”.

MOTION: Moved by M. Wiese to be neutral with suggested amendments on HB 4677, and support the bill in concept. Motion seconded by S. Snyder. Motion carried.

A. Povilaitis presented a request for Board members to sign on to a joint statement from the Voices for Victims Coalition. The title is “What You Need to Know About the Un-Safer Michigan Act” regarding HB 4670-4675, dubbed the “Safer Michigan Act”. After discussion, the Board decided not to sign the joint statement.

A. Povilaitis discussed HB 4164 regarding online court records. As introduced, it would allow an attorney to access the register of actions in the court system and all the digital images of documents filed in any case in a court via a website. A substitute bill, HB 4162 H2, would allow any member of the public to have access to the register of actions and digital images without requiring payment or registration. This could result in privacy and safety concerns for domestic, sexual violence and stalking victims. There are also no restrictions placed on what individuals can do with court documents or images once they view or obtain

them. This type of access could be used to harass or threaten victims, especially by their abusers.

MOTION: Moved by L. Hines to oppose HB 4164 H2. Motion seconded by S. Snyder. Motion carried.

A. Povilaitis said she anticipates legislation will be introduced creating a presumption of joint custody in child custody actions. She asked that Board staff be allowed to meet with legislators who are considering introducing presumptive joint custody bills to share the Board's perspective.

MOTION: Moved by L. Hines to reaffirm prior Board positions opposing presumptive joint custody and authorize staff to meet with legislators contemplating introduction of presumptive joint custody bills to convey those positions to legislators. Motion seconded by M. Wiese. Motion carried.

Board members reviewed Senate and House bills of interest to the Board's constituency that had been introduced since the April 16, 2021 Board meeting.

MOTION: Moved by L. Hines that Board members acknowledged they had an opportunity to review House and Senate bills of interest to the Board's constituency which had been introduced since the April 16, 2021 meeting and had an opportunity to request follow up. Motion seconded by S. Snyder. Motion carried.

BOARD ANNOUNCEMENTS

M. Wiese said the Prosecuting Attorneys Association of Michigan (PAAM) have a draft statement on the Truth and Sentencing position they are taking, which should be available on Monday, May 17th.

PUBLIC COMMENT

Rachel Carr from Uniting Three Fires Against Violence (UTFAV) congratulated Kathy Hagenian on receiving the Champion of Justice Award.

Kathy Hagenian thanked the Board for their thoughtful and thorough legislative review and discussion. She said the deliberation and analysis of the Board and staff are invaluable in forming policy analysis. She thanked everyone for the honor of being recognized by the Board for the 2021 Champion of Justice Award and for everyone's kind remarks.

ADJOURNMENT

MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by S. Snyder. Motion carried. The meeting ended at 3:30 p.m.

Respectfully submitted by
Michael Bobbitt
Board Secretary