

**MICHIGAN DOMESTIC AND SEXUAL VIOLENCE
PREVENTION AND TREATMENT BOARD
MEETING MINUTES
May 11, 2018**

***** Approved *****

Members Present:

Lt. Yvonne Brantley
Hon. Thomas Cameron
Jeffrie Cape
James Fink
Hon. Elizabeth Pollard Hines
Dr. Cris Sullivan, Chair
Jacqueline Schafer

Staff Present:

Michael Bobbitt, Board Secretary
Debi Cain, Executive Director
Gail Krieger
Angela Povilaitis
Lore Rogers

Guests:

Stephanie Beyersdorf - Michigan Supreme Court - State Court Administrative Office
Rachel Carr - Uniting Three Fires Against Violence
Kathy Hagenian – Michigan Coalition to End Domestic and Sexual Violence
John Lazet - Michigan Department of Attorney General
Mary Pollock - American Association of University Women of Michigan

WELCOME AND INTRODUCTIONS

C. Sullivan convened the May 11, 2018 Michigan Domestic and Sexual Violence Prevention and Treatment Board meeting at the Michigan Historical Library - Lake Superior room in Lansing, Michigan at 2:00 p.m.

BOARD CONSENT

Review of agenda and approval of April 4, 2018 meeting minutes.

MOTION: Moved by J. Fink to approve the May 11, 2018 agenda and to approve the April 4, 2018 meeting minutes with corrections. Motion seconded by E. Hines. Motion Carried.

CHAIR'S REPORT

C. Sullivan said she is very honored and excited to have A. Povilaitis join the Board staff.

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

D. Cain said she is excited to have A. Povilaitis join the Board staff. D. Cain noted that L. Rogers and G. Krieger have been doing a lot of excellent work analyzing the large amount of recent legislation.

LEGISLATIVE REVIEW

L. Rogers spoke about HB 5539 which amends the Student Safety Act to expressly include receipt of reports of sexual abuse, assault or rape that can be reported to the OK2SAY program.

MOTION: Moved by J. Cape to support HB 5539. Motion seconded by T. Cameron. Motion carried.

G. Krieger reported on HB 5798 which allows family members to make a victim impact statement, as long as the victim consents and the family member is not a defendant in the case.

MOTION: Moved by E. Hines to support HB 5798 but only allow testimony upon victim request instead of victim consent. Motion seconded by Y. Brantley. Motion carried.

L. Rogers reported on HB 5787 and HB 5788. HB 5787 would amend the existing statute, MCL 750.90, which currently makes it a 10-year felony to induce a woman under the pretext of medical treatment to “have carnal sexual intercourse with any man . . . not her husband,” and a felony for any man not her husband to “have sexual intercourse with her by reason of such representation.”

HB 5787:

1. eliminates the gendered nature of the crime;
2. increases the penalty for sexual penetration accomplished through misrepresentation in the course of medical treatment from 10 years to 25 years;
3. adds sexual contact accomplished through misrepresentation of medical treatment as a felony punishable by up to 20 years; and
4. allows a court to punish consecutively to a term of imprisonment for any other crime.

HB 5788 is a “housekeeping” provision that amends the sentencing guidelines to reflect the changes made in HB 5787.

MOTION: Moved by J. Fink to support HB 5787 and HB 5788 with the staff recommendation to modify HB 5787 by substituting the following italicized language in the place of “induces the patient to engage in” sexual contact/penetration:

A person who undertakes medical treatment of a patient and in the course of that medical treatment misrepresents to the patient that sexual contact between the person and the patient is necessary or will be beneficial to the patient’s health and who *engages in sexual contact/penetration with the patient* by means of the misrepresentation. . .”

Motion seconded J. Cape. Motion carried.

L. Rogers reported on HB 5789 and HB 5790. HB 5789 would amend the section of the Public Health Code, MCL 333.16221, that addresses investigation of and disciplinary hearings for health profession licensees or applicants. The amendment would require a disciplinary subcommittee to proceed to impose sanctions under MCL 333.16226 if it finds that a licensee or applicant has been convicted of a violation of MCL 750.90 (sexual penetration or contact under misrepresentation of medical treatment).

HB 5790 amends that section of the Public Health Code that determines the sanctions that can or must be imposed against a health profession licensee or applicant when one or more grounds for disciplinary action exists under MCL 333.16221. This amendment would require permanent revocation of the professional’s license where the disciplinary committee finds that the professional has been convicted of a violation of MCL 750.90.

MOTION: Moved by T. Cameron to support HB 5789 and HB 5790. Motion seconded by Y. Brantley.

MOTION: Moved by T. Cameron to amend the initial motion to support HB 5789 and HB 5790 to include a provision that would reflect that an out of state conviction similar to the state conviction be a basis for revocation. Motion seconded by Y. Brantley. Motion carried.

G. Krieger reported on HB 5791 which adds two sections to the Revised School Code. It requires the Michigan Department of Education (MDE) in consultation with the Michigan Domestic and Sexual Violence Prevention and Treatment Board (Board) and the Michigan Coalition to End Domestic and Sexual Violence to develop age-appropriate informational material on sexual assault and sexual harassment.

MOTION: Moved by Y. Brantley to support HB 5791. Motion seconded by E. Hines. Motion carried.

D. Cain reported on a guiding principle / governance standard on new legislative assignments.

MOTION: Moved by Y. Brantley to support the guiding principle / governance standard. Motion seconded by E. Hines. Motion carried.

G. Krieger reported on HB 5795. House Bill 5795 would create the Higher Education Sexual Assault Ombudsman Act, which would create the Office of the Higher Education Sexual Assault Ombudsman within the Michigan Department of Civil Rights (MDCR).

MOTION: Moved by C. Sullivan to support HB 5795, but only with the following changes described by Board staff and Board members:

- 1. Refocus work of the office onto systems advocacy and state level coordination and move away from the investigatory/ombudsman model.**
- 2. Eliminate investigatory powers in section 5.**
- 3. Move the office to the Michigan Domestic and Sexual Violence Prevention and Treatment Board, Division of Victim Services.**
- 4. Regardless of the office, amend section 9 to ensure that the act is not in effect unless it is adequately funded.**

Board staff should also continue to present the Board's strong position that it would rather advocate for offices for all survivors, especially the most vulnerable survivors, and not only the most privileged. Motion seconded by E. Hines. Motion carried.

G. Krieger reported on the Substitute for SB 903. The original bill as introduced would have made all employees at universities mandatory reporters of sexual assault against adults. The Substitute for SB 903 shifts from mandatory reporting to mandatory informing. The bill requires that certain remedial actions be taken by certain individuals who are notified of suspected sexual assaults of postsecondary students; to prohibit certain individuals who learn of possible sexual assaults of postsecondary students from discouraging those students from reporting the incidents to appropriate authorities; to provide for the protection of postsecondary students who are sexually assaulted; and to prescribe penalties.

MOTION: Moved by Y. Brantley to support the concept of the Substitute for SB 903, however, clarification of its current revised form is needed. Motion seconded by T. Cameron. Motion carried.

Board members acknowledged that they had an opportunity to review other bills of interest to the Board's constituency that had been introduced since the Board's April 4, 2018 meeting.

BOARD ANNOUNCEMENTS:

T. Cameron enquired about HB 5658.

PUBLIC COMMENT:

M. Pollock shared her thoughts on recent sexual assault legislation.

ADJOURNMENT:

MOTION: Moved by Y. Brantley to adjourn the meeting. Motion seconded by T. Cameron. Motion carried. The meeting ended at 4:25 p.m.

Respectfully submitted,
Michael Bobbitt
Board Secretary