



# HOUSE BILL No. 5338

February 10, 2000, Introduced by Rep. Law and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1985 PA 87, entitled  
"Crime victim's rights act,"  
by amending the title and sections 13a, 18a, 19, 20, 20a, 35, 36, 41a, 46, 48, 66, 78, 78a, 78b, and 79 (MCL 780.763a, 780.768a, 780.769, 780.770, 780.770a, 780.785, 780.786, 780.791a, 780.796, 780.798, 780.816, 780.828, 780.828a, 780.828b, and 780.829), sections 13a, 20a, 36, 41a, and 48 as amended by 1998 PA 523, sections 18a, 35, 46, 66, and 78 as amended and section 78b as added by 1993 PA 341, sections 19 and 78a as amended by 1996 PA 105, and section 79 as added by 1988 PA 21, and by adding section 12a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

## TITLE

1

2 An act to establish the rights of victims of crime and juve-  
3 nile offenses; to provide for certain procedures; TO REQUIRE CER-  
4 TAIN DUTIES BY CERTAIN STATE AND LOCAL OFFICIALS AND ENTITIES; to  
5 establish certain immunities and duties; to limit convicted crim-  
6 inals from deriving profit under certain circumstances; to pro-  
7 hibit certain conduct of employers or employers' agents toward  
8 victims; and to provide for penalties and remedies.

9

SEC. 12A. (1) THE DEPARTMENT OF CORRECTIONS SHALL CREATE  
10 AND MAINTAIN A COMPUTERIZED DATABASE TO PROVIDE VICTIMS WITH  
11 NOTICE UNDER THIS ACT REGARDING THE CUSTODY AND CHANGE IN CUSTODY  
12 OF PRISONERS AND DETAINEES.

13

(2) IF A VICTIM HAS REQUESTED NOTICE UNDER THIS ACT OF THE  
14 CUSTODY STATUS OR CHANGE IN CUSTODY STATUS OF A PRISONER OR  
15 DETAINEE, THE DEPARTMENT OF CORRECTIONS SHALL IMMEDIATELY NOTIFY  
16 THAT VICTIM OF THAT CUSTODY STATUS OR CHANGE IN CUSTODY STATUS  
17 UPON NOTIFICATION TO THE DEPARTMENT OF CORRECTIONS UNDER SUBSEC-  
18 TION (3). THE DEPARTMENT SHALL ALSO MAKE IMMEDIATELY AVAILABLE  
19 TO OTHER MEMBERS OF THE PUBLIC THROUGH THE USE OF A TOLL-FREE  
20 TELEPHONE NUMBER OR THE INTERNET INFORMATION REGARDING THE CUS-  
21 TODY STATUS OR CHANGE IN CUSTODY STATUS OF PRISONERS AND  
22 DETAINEES.

23

(3) AN INDIVIDUAL OR ENTITY THAT IS REQUIRED UNDER THIS ACT  
24 TO PROVIDE NOTICE TO THE DEPARTMENT OF CORRECTIONS REGARDING THE  
25 CUSTODY STATUS OR CHANGE IN CUSTODY STATUS OF PRISONERS OR  
26 DETAINEES SHALL PROMPTLY PROVIDE INFORMATION TO THE DEPARTMENT OF

1 CORRECTIONS REGARDING THAT CUSTODY STATUS OR CHANGE IN CUSTODY  
2 STATUS AS PRESCRIBED BY THE DEPARTMENT OF CORRECTIONS.

3 (4) THE DEPARTMENT OF CORRECTIONS MAY PROMULGATE RULES TO  
4 IMPLEMENT THIS SECTION.

5 Sec. 13a. When a defendant is sentenced to a term of  
6 imprisonment or ordered to be placed in a juvenile facility, the  
7 prosecuting attorney shall provide the victim with a form the  
8 victim may submit to receive the notices provided for under  
9 section 19 or 20a. The form shall include the address of the  
10 department of corrections  ~~, the sheriff, the family independence~~  
11  ~~agency, or the county juvenile agency, as applicable, to which~~  
12 the form may be sent.

13 Sec. 18a. (1) Upon the request of the victim, the prosecut-  
14 ing attorney shall notify the victim of the following:

15 (a) That the defendant has filed an appeal of his or her  
16 conviction.

17  ~~(b) Whether the defendant has been ordered released on bail~~  
18  ~~or other recognizance pending the disposition of the appeal. If~~  
19  ~~the prosecuting attorney is notified that the defendant has been~~  
20  ~~ordered released on bail or other recognizance pending disposi-~~  
21  ~~tion of the appeal, the prosecuting attorney shall use any means~~  
22  ~~reasonably calculated to give the victim notice of that order~~  
23  ~~within 24 hours after the prosecuting attorney is notified of the~~  
24  ~~order.~~

25 (B)  ~~(c)~~ The time and place of any appellate court proceed-  
26 ings and any changes in the time or place of those proceedings.

1       (C) ~~(d)~~ The result of the appeal. If the prosecuting  
2 attorney is notified that the conviction is ordered reversed or  
3 the case is remanded for further proceedings, the prosecuting  
4 attorney shall use any means reasonably calculated to give the  
5 victim notice of that order within 24 hours after the prosecuting  
6 attorney is notified of the order.

7       (2) If the prosecuting attorney is not successful in notify-  
8 ing the victim of an event described in subsection (1) within the  
9 period set forth in that subsection for notification, the prose-  
10 cuting attorney shall notify the victim of that event as soon as  
11 possible by any means reasonably calculated to give the victim  
12 prompt actual notice.

13       (3) Upon the request of the victim, the prosecuting attorney  
14 shall provide the victim with a brief explanation in plain  
15 English of the appeal process, including the possible  
16 dispositions.

17       (4) If the defendant's conviction is reversed and the case  
18 is returned to the trial court for further proceedings, the  
19 victim shall have the same rights previously requested during the  
20 proceedings which led to the appeal.

21       Sec. 19. (1) Upon the written request of a victim of a  
22 crime, the ~~sheriff or the~~ department of corrections shall  
23 ~~mail~~ PROVIDE to the victim the following INFORMATION, as appli-  
24 cable, about a prisoner who IS DETAINED BEFORE TRIAL OR has been  
25 sentenced to imprisonment under the jurisdiction of ~~the~~ A  
26 COUNTY sheriff or the department for commission of that crime:

1 (a) Within 30 days after the request, notice of the COUNTY  
2 sheriff's calculation of the earliest release date of the  
3 prisoner, or the department's calculation of the earliest parole  
4 eligibility date of the prisoner, with all potential good time or  
5 disciplinary credits considered if the sentence of imprisonment  
6 exceeds 90 days. The victim may request 1-time only notice of  
7 the calculation described in this subdivision.

8 (b) Notice of the transfer or pending transfer of the pris-  
9 oner to a minimum security facility and the address of that  
10 facility.

11 (c) Notice of the release or pending release of the prisoner  
12 in a community residential program, under extended furlough, or  
13 any other transfer of a prisoner to community status.

14 (d) Notice of the escape of the person accused, convicted,  
15 or imprisoned for committing a crime against the victim, as pro-  
16 vided in section 20.

17 (e) Notice of the victim's right to address or submit a  
18 written statement for consideration by a parole board member or a  
19 member of any other panel having authority over the prisoner's  
20 release on parole, as provided in section 21.

21 (f) Notice of the decision of the parole board, or any other  
22 panel having authority over the prisoner's release on parole,  
23 after a parole review, as provided in section 21(3).

24 (g) Notice of the release of a prisoner 90 days before the  
25 date of the prisoner's discharge from prison if practical, unless  
26 the notice has been otherwise provided under this article.

1 (h) Notice of a public hearing under section 44 of ~~Act~~  
2 ~~No. 232 of the Public Acts of 1953, being section 791.244 of the~~  
3 ~~Michigan Compiled Laws~~ 1953 PA 232, MCL 791.244, regarding a  
4 reprieve, commutation, or pardon of the prisoner's sentence by  
5 the governor.

6 (i) Notice that a reprieve, commutation, or pardon has been  
7 granted.

8 (j) Notice that a prisoner has had his or her name legally  
9 changed while on parole or within 2 years of release from  
10 parole.

11 (K) NOTICE THAT A PRISONER HAS BEEN ORDERED RELEASED ON BAIL  
12 OR OTHER RECOGNIZANCE.

13 (2) A victim's address and telephone number maintained by ~~a~~  
14 ~~sheriff or~~ the department of corrections pursuant to a request  
15 for notice under subsection (1) is exempt from disclosure under  
16 the freedom of information act, ~~Act No. 442 of the Public Acts~~  
17 ~~of 1976, being sections 15.231 to 15.246 of the Michigan Compiled~~  
18 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

19 Sec. 20. (1) As provided in subsection (2) or (3), a victim  
20 who requests notice of the escape and the prosecuting attorney  
21 who is prosecuting or has prosecuted the crime for which the  
22 person is detained or under sentence shall be given immediate  
23 notice of the escape of the person accused, convicted, or impris-  
24 oned for committing a crime against the victim. The notice shall  
25 be given by any means reasonably calculated to give prompt actual  
26 notice.

1 (2) If the escape occurs before the sentence is executed or  
2 before the defendant is delivered to the department of  
3 corrections, the chief law enforcement officer of the agency in  
4 charge of the person's detention shall give notice of the escape  
5 to the ~~prosecuting attorney~~ DEPARTMENT OF CORRECTIONS, who  
6 shall then give notice of the escape to THE PROSECUTING ATTORNEY  
7 AND TO a victim who requested notice.

8 (3) ~~If the defendant is confined pursuant to a sentence,~~  
9 ~~the~~ THE notice TO THE DEPARTMENT OF CORRECTIONS shall be given  
10 by the chief administrator of the place in which the prisoner is  
11 confined.

12 Sec. 20a. (1) Upon a victim's written request, the ~~family~~  
13 ~~independence agency or county juvenile agency, as applicable,~~  
14 DEPARTMENT OF CORRECTIONS shall make a good faith effort to  
15 notify the victim before either of the following occurs:

16 (a) A juvenile is dismissed from court jurisdiction or dis-  
17 charged from ~~commitment to the family independence agency or~~  
18 ~~county juvenile agency~~ THE JURISDICTION OF THE DEPARTMENT OF  
19 CORRECTIONS.

20 (b) A juvenile is transferred from a secure juvenile facil-  
21 ity to a nonsecure juvenile facility.

22 (C) A JUVENILE IS RELEASED ON BAIL OR RECOGNIZANCE.

23 (2) If the ~~family independence agency or county juvenile~~  
24 ~~agency~~ DEPARTMENT OF CORRECTIONS is not successful in notifying  
25 the victim before an event described in subsection (1) occurs,  
26 ~~it~~ THE DEPARTMENT OF CORRECTIONS shall notify the victim as

1 soon as possible after that event occurs by any means reasonably  
2 calculated to give prompt actual notice.

3       (3) Upon the victim's written request, the ~~family indepen-~~  
4 ~~dence agency or county juvenile agency, as applicable,~~  
5 DEPARTMENT OF CORRECTIONS shall give to the victim notice of a  
6 juvenile's escape. A victim who requests notice of an escape  
7 shall be given immediate notice of the escape by any means rea-  
8 sonably calculated to give prompt actual notice. If the escape  
9 occurs before the juvenile is delivered to the ~~family indepen-~~  
10 ~~dence agency or county juvenile agency~~ DEPARTMENT OF  
11 CORRECTIONS, the agency in charge of the juvenile's detention  
12 shall give notice of the escape to the ~~family independence~~  
13 ~~agency or county juvenile agency~~ DEPARTMENT OF CORRECTIONS,  
14 which shall then give notice of the escape to the victim who  
15 requested notice.

16       Sec. 35. (1) If the juvenile has been placed in a juvenile  
17 facility, not later than 48 hours after the preliminary hearing  
18 of that juvenile for a juvenile offense, the prosecuting attorney  
19 or, pursuant to an agreement under section 48a, the court shall  
20 give to the victim the telephone number of the ~~juvenile~~  
21 ~~facility~~ DEPARTMENT OF CORRECTIONS and notice that the victim  
22 may contact the ~~juvenile facility~~ DEPARTMENT OF CORRECTIONS to  
23 determine whether the juvenile has been released from custody.

24       (2) Based upon any credible evidence of acts or threats of  
25 physical violence or intimidation by the juvenile or at the  
26 juvenile's direction against the victim or the victim's immediate

1 family, the prosecuting attorney may move that the juvenile be  
2 detained in a juvenile facility.

3       Sec. 36. (1) Within 72 hours after the prosecuting attorney  
4 files or submits a petition seeking to invoke the court's juris-  
5 diction for an offense, the prosecuting attorney, or the court  
6 pursuant to an agreement under section 48a, shall give to each  
7 victim a written notice in plain English of each of the  
8 following:

9       (a) A brief statement of the procedural steps in the pro-  
10 cessing of a juvenile offense case, including the fact that a  
11 juvenile may be waived to the court of general criminal  
12 jurisdiction.

13       (b) A specific list of the rights and procedures under this  
14 article.

15       (c) Details and eligibility requirements under 1976 PA 223,  
16 MCL 18.351 to 18.368.

17       (d) Suggested procedures if the victim is subjected to  
18 threats or intimidation.

19       (e) The person to contact for further information.

20       (2) If the victim requests, the prosecuting attorney, or the  
21 court pursuant to an agreement under section 48a, shall give the  
22 victim notice of any scheduled court proceedings and any changes  
23 in that schedule.

24       (3) If the juvenile has not already entered a plea of admis-  
25 sion or no contest to the original charge at the preliminary  
26 hearing, the prosecuting attorney shall offer the victim the  
27 opportunity to consult with the prosecuting attorney to obtain

1 the victim's views about the disposition of the offense,  
2 including the victim's views about dismissal, waiver, and pre-  
3 trial diversion programs, before finalizing any agreement to  
4 reduce the original charge.

5 (4) Before placing a juvenile in a pretrial diversion pro-  
6 gram for committing a violation that if committed by an adult  
7 would be a crime or a serious misdemeanor, the court shall give  
8 the victim an opportunity to be heard regarding that placement.  
9 The victim has the right to make a statement at the hearing or  
10 submit a written statement, or both. As used in this  
11 subsection:

12 (a) "Crime" means that term as defined in section 2.

13 (b) "Serious misdemeanor" means that term as defined in sec-  
14 tion 61.

15 (5) A victim who receives a notice under subsection (1) and  
16 chooses to receive any other notice under this article shall keep  
17 the following persons informed of the victim's current address  
18 and telephone number:

19 (a) The prosecuting attorney, or the court if an agreement  
20 under section 48a exists.

21 (b) If the juvenile is made a public ward, the family inde-  
22 pendence agency or county juvenile agency, as applicable.

23 (C) THE DEPARTMENT OF CORRECTIONS.

24 Sec. 41a. When a juvenile is ordered to be placed in a  
25 juvenile facility, the prosecuting attorney, or the court pursu-  
26 ant to an agreement under section 48a, shall provide the victim  
27 with a form the victim may submit to receive the notices from the

1 ~~family independence agency or county juvenile agency, as~~  
2 ~~applicable,~~ DEPARTMENT OF CORRECTIONS provided for under  
3 section 48. The form shall include the address of the ~~family~~  
4 ~~independence agency or county juvenile agency~~ DEPARTMENT OF  
5 CORRECTIONS to which the form may be sent.

6 Sec. 46. (1) Upon the request of the victim, the prosecut-  
7 ing attorney shall notify the victim of the following:

8 (a) That the juvenile has filed an appeal of his or her  
9 adjudication.

10 ~~(b) Whether the juvenile has been ordered released on bail~~  
11 ~~or other recognizance pending the disposition of the appeal. If~~  
12 ~~the prosecuting attorney is notified that the juvenile has been~~  
13 ~~ordered released on bail or other recognizance pending disposi-~~  
14 ~~tion of the appeal, the prosecuting attorney shall use any means~~  
15 ~~reasonably calculated to give the victim notice of that order~~  
16 ~~within 24 hours after the prosecuting attorney is notified of the~~  
17 ~~order.~~

18 (B) ~~(c)~~ The time and place of any appellate court proceed-  
19 ings and any changes in the time or place of those proceedings.

20 (C) ~~(d)~~ The result of the appeal. If the prosecuting  
21 attorney is notified that the disposition is ordered reversed or  
22 the case is remanded for further proceedings, the prosecuting  
23 attorney shall use any means reasonably calculated to give the  
24 victim notice of that order within 24 hours after the prosecuting  
25 attorney is notified of the order.

26 (2) If the prosecuting attorney is not successful in  
27 notifying the victim of an event described in subsection (1)

1 within the period set forth in that subsection for notification,  
2 the prosecuting attorney shall notify the victim of that event as  
3 soon as possible by any means reasonably calculated to give the  
4 victim prompt actual notice.

5 (3) Upon the request of the victim, the prosecuting attorney  
6 shall provide the victim with a brief explanation in plain  
7 English of the appeal process, including the possible  
8 dispositions.

9 (4) In the event the juvenile's adjudication or order of  
10 disposition is reversed and the case is returned to the trial  
11 court for further proceedings, the victim shall have the same  
12 rights previously requested during the proceedings which led to  
13 the appeal.

14 Sec. 48. (1) Upon the victim's written request, the court  
15 or the ~~family independence agency or county juvenile agency~~  
16 DEPARTMENT OF CORRECTIONS, as applicable, shall make a good faith  
17 effort to notify the victim before any of the following ~~occurs~~  
18 OCCUR:

19 (a) The juvenile is dismissed from court jurisdiction or  
20 discharged from commitment to the family independence agency or  
21 county juvenile agency.

22 (b) The juvenile is transferred from a secure juvenile  
23 facility to a nonsecure juvenile facility.

24 (c) The juvenile has his or her name legally changed while  
25 under the court's jurisdiction or within 2 years after discharge  
26 from the court's jurisdiction.

1 (D) THE JUVENILE IS RELEASED ON BAIL OR RECOGNIZANCE.

2 (2) If the court ~~—, family independence agency, or county~~  
3 ~~juvenile agency~~ OR THE DEPARTMENT OF CORRECTIONS is not success-  
4 ful in notifying the victim before an event described in  
5 subsection (1)(a), (b), or (c) occurs, it shall notify the victim  
6 as soon as possible after that event occurs.

7 (3) Upon the victim's written request, the ~~family independen-~~  
8 ~~dence agency, county juvenile agency, or court~~ DEPARTMENT OF  
9 CORRECTIONS shall give to the victim notice of a juvenile's  
10 escape from a secure detention or treatment facility. A victim  
11 who requests notice of an escape shall be given immediate notice  
12 of the escape by any means reasonably calculated to give prompt  
13 actual notice.

14 (4) Upon the victim's request, the prosecuting attorney  
15 shall give the victim notice of a review hearing conducted under  
16 section 18 of chapter XIIIA of 1939 PA 288, MCL 712A.18. The  
17 victim has the right to make a statement at the hearing or submit  
18 a written statement for use at the hearing, or both.

19 Sec. 66. (1) If a plea of guilty or nolo contendere is  
20 accepted by the court at the time of the arraignment of the  
21 defendant for a serious misdemeanor, the court shall notify the  
22 prosecuting attorney of the plea and the date of sentencing  
23 within 48 hours after the arraignment. If no guilty or nolo con-  
24 tendere plea is accepted at the arraignment and further proceed-  
25 ings will be scheduled, the court shall so notify the prosecuting  
26 attorney within 48 hours after the arraignment. A notice to the  
27 prosecuting attorney under this subsection shall be on a separate

1 form and shall include the name, address, and telephone number of  
2 the victim. The notice shall not be a matter of public record.  
3 Within 48 hours after receiving this notice, the prosecuting  
4 attorney shall give to each victim a written notice in plain  
5 English of each of the following:

6 (a) A brief statement of the procedural steps in the pro-  
7 cessing of a misdemeanor case, including pretrial conferences.

8 (b) A specific list of the rights and procedures under this  
9 article.

10 (c) Details and eligibility requirements under ~~Act No. 223~~  
11 ~~of the Public Acts of 1976, being sections 18.351 to 18.368 of~~  
12 ~~the Michigan Compiled Laws 1976 PA 223, MCL 18.351 TO 18.368.~~

13 (d) Suggested procedures if the victim is subjected to  
14 threats or intimidation.

15 (e) The person to contact for further information.

16 (2) If requested by the victim, the prosecuting attorney  
17 shall give to the victim notice of any scheduled court proceed-  
18 ings and notice of any changes in that schedule.

19 (3) If the defendant has not already entered a plea of  
20 guilty or nolo contendere at the arraignment, the prosecuting  
21 attorney shall offer the victim the opportunity to consult with  
22 the prosecuting attorney to obtain the views of the victim about  
23 the disposition of the serious misdemeanor, including the  
24 victim's views about dismissal, plea or sentence negotiations,  
25 and pretrial diversion programs before finalizing any negotiation  
26 that may result in a dismissal, plea or sentence bargain, or  
27 pretrial diversion.

1 (4) If the case against the defendant is dismissed at any  
2 time, the prosecuting attorney shall notify the victim of the  
3 dismissal within 48 hours.

4 (5) A victim who receives a notice under subsection (1) or  
5 (2) and who chooses to receive any other notice or notices under  
6 this article shall keep the following persons informed of the  
7 victim's current address and telephone number:

8 (a) The prosecuting attorney, until final disposition or  
9 completion of the appellate process, whichever occurs later.

10 (b) The sheriff, if the defendant is imprisoned for more  
11 than 92 days.

12 (C) THE DEPARTMENT OF CORRECTIONS.

13 Sec. 78. (1) Upon the request of the victim, the prosecut-  
14 ing attorney shall notify the victim of the following:

15 (a) That the defendant has filed an appeal of his or her  
16 conviction.

17 ~~(b) Whether the defendant has been ordered released on bail~~  
18 ~~or other recognizance pending the disposition of the appeal. If~~  
19 ~~the prosecuting attorney is notified that the defendant has been~~  
20 ~~ordered released on bail or other recognizance pending disposi-~~  
21 ~~tion of the appeal, the prosecuting attorney shall use any means~~  
22 ~~reasonably calculated to give the victim notice of that order~~  
23 ~~within 24 hours after the prosecuting attorney is notified of the~~  
24 ~~order.~~

25 (B) ~~(c)~~ The time and place of any appellate court proceed-  
26 ings and any changes in the time or place of those proceedings.

1 (C) ~~(d)~~ The result of the appeal. If the prosecuting  
2 attorney is notified that the conviction is ordered reversed or  
3 the case is remanded for further proceedings, the prosecuting  
4 attorney shall use any means reasonably calculated to give the  
5 victim notice of that order within 24 hours after the prosecuting  
6 attorney is notified of the order.

7 (2) If the prosecuting attorney is not successful in notify-  
8 ing the victim of an event described in subsection (1) within the  
9 period set forth in that subsection for notification, the prose-  
10 cuting attorney shall notify the victim of that event as soon as  
11 possible by any means reasonably calculated to give the victim  
12 prompt actual notice.

13 (3) Upon the request of the victim, the prosecuting attorney  
14 shall provide the victim with a brief explanation in plain  
15 English of the appeal process, including the possible  
16 dispositions.

17 (4) If the defendant's conviction is reversed and the case  
18 is returned to the trial court for further proceedings, the  
19 victim shall have the same rights previously requested during the  
20 proceedings which led to the appeal.

21 Sec. 78a. (1) Upon the written request of a victim of a  
22 serious misdemeanor, the ~~sheriff~~ DEPARTMENT OF CORRECTIONS  
23 shall ~~mail to~~ IMMEDIATELY NOTIFY the victim OF the following,  
24 as applicable, about a prisoner who has been sentenced to impris-  
25 onment OR PRE-TRIAL DETENTION under the jurisdiction of ~~the~~ A  
26 COUNTY sheriff for commission of that serious misdemeanor:

1       (a) ~~Within 30 days after the request, notice~~ NOTICE of the  
2 sheriff's calculation of the earliest release date of the  
3 prisoner, with all potential good time or disciplinary credits  
4 considered if the sentence of imprisonment exceeds 90 days. The  
5 victim may request 1-time only notice of the calculation  
6 described in this subdivision.

7       (b) Notice of the escape of the person accused, convicted,  
8 or imprisoned for committing a serious misdemeanor against the  
9 victim, as provided in section 78b.

10       (c) Notice that a prisoner has had his or her name legally  
11 changed while imprisoned in the county jail or within 2 years of  
12 release from the county jail.

13       (D) NOTICE THAT A PRISONER HAS BEEN ORDERED RELEASED ON BAIL  
14 OR OTHER RECOGNIZANCE.

15       (2) When a defendant is sentenced to a term of imprisonment,  
16 the prosecuting attorney shall provide the victim with a form the  
17 victim may submit to receive the notices provided for under this  
18 section or section 78b. The form shall include the address of  
19 the ~~sheriff's~~ department OF CORRECTIONS to which the form may  
20 be sent.

21       Sec. 78b. (1) As provided in subsection (2) or (3), a  
22 victim who requests notice of the escape and the prosecuting  
23 attorney who is prosecuting or has prosecuted the serious misde-  
24 meanor for which the person is detained or under sentence shall  
25 be given immediate notice of the escape of the person accused,  
26 convicted, or imprisoned for committing a serious misdemeanor

1 against the victim. The notice shall be given by any means  
2 reasonably calculated to give prompt actual notice.

3 (2) If the escape occurs before the sentence is executed or  
4 before the defendant is delivered to the sheriff, the chief law  
5 enforcement officer of the agency in charge of the person's  
6 detention shall give notice of the escape to the ~~prosecuting~~  
7 ~~attorney~~ DEPARTMENT OF CORRECTIONS, who shall then give notice  
8 of the escape to THE PROSECUTING ATTORNEY AND a victim who  
9 requested notice.

10 (3) ~~If the defendant is confined pursuant to a sentence,~~  
11 ~~the~~ THE notice shall be given by the chief administrator of the  
12 place in which the prisoner is confined.

13 Sec. 79. (1) Upon the written request of the victim, the  
14 ~~sheriff~~ DEPARTMENT OF CORRECTIONS shall notify the victim of  
15 the earliest possible release date of the defendant if the  
16 defendant is sentenced to more than 92 days' imprisonment.

17 (2) The victim's written request for notice under this sec-  
18 tion shall include the victim's address.