



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:

1 TITLE

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 independen-~~
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 independen-~~
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 XIIA 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.