

HOUSE BILL No. 4679

May 2, 2013, Introduced by Reps. Brunner, Brown, Kosowski, Driskell, Smiley, Faris, Rutledge, Daley, Ananich, Yanez, Dillon, Kandrevas, Schor and McCready and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 19 and 21 (MCL 780.769 and 780.771), as amended by 2012 PA 564.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Upon the written request of any individual who
2 was a victim of the defendant's course of conduct that gave rise to
3 the conviction, the sheriff or the department of corrections shall
4 mail to that victim the following, as applicable, about a prisoner
5 who has been sentenced to imprisonment under the jurisdiction of
6 the sheriff or the department for that crime:

7 (a) Within 30 days after the request, notice of the sheriff's
8 calculation of the prisoner's earliest release date or the
9 department's calculation of the prisoner's earliest parole
10 eligibility date, with all potential good time or disciplinary

1 credits considered, if the sentence of imprisonment exceeds 90
2 days.

3 (b) Notice of the prisoner's transfer or pending transfer to a
4 minimum security facility and the facility's address.

5 (c) Notice of the prisoner's release or pending release in a
6 community residential program or under furlough; any other transfer
7 to community status; any transfer from 1 community residential
8 program or electronic monitoring program to another; or any
9 transfer from a community residential program or electronic
10 monitoring program to a state correctional facility.

11 (d) Notice that the person accused, convicted, or imprisoned
12 for committing a crime against the victim has escaped from custody,
13 as provided in section 20.

14 (e) Notice of ~~both~~ **ALL** of the following:

15 (i) The victim's right to address or submit a written statement
16 for consideration by a parole board member or a member of any other
17 panel having authority over the prisoner's release on parole during
18 the time the prisoner's release on parole or commutation of
19 sentencing is being considered, as provided in section 21.

20 (ii) The victim's right to address the parole board and to
21 present exhibits or other photographic or documentary information
22 to the parole board including at a commutation hearing.

23 **(iii) THE VICTIM'S RIGHT TO REVIEW ALL DOCUMENTS, RECORDS, AND**
24 **REPORTS SUBMITTED TO THE PAROLE BOARD FOR CONSIDERATION REGARDING**
25 **THE PRISONER'S RELEASE ON PAROLE.**

26 (f) Notice of the decision of the parole board, or any other
27 panel having authority over the prisoner's release on parole, after

1 a parole review, as provided in section 21.

2 (g) Notice of the release of a prisoner 90 days before the
3 date of the prisoner's discharge from prison, unless the notice has
4 been otherwise provided under this article.

5 (h) Notice that the prisoner has applied for a reprieve,
6 commutation, or pardon and the parole board has decided to consider
7 the application.

8 (i) Notice of a public hearing under section 44 of the
9 corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a
10 reprieve, commutation, or pardon of the prisoner's sentence by the
11 governor.

12 (j) Notice that a reprieve, commutation, or pardon has been
13 granted or denied upon conclusion of a public hearing.

14 (k) Notice that a prisoner has had his or her name legally
15 changed while on parole or within 2 years after release from
16 parole.

17 (l) Notice that a prisoner has been convicted of a new crime.

18 (m) Notice that a prisoner has been returned from parole
19 status to a correctional facility due to an alleged violation of
20 the conditions of his or her parole.

21 (n) Notice that the prisoner, including a parolee, has died.
22 However, the notification requirements of this subdivision apply to
23 the death of a parolee only if the department is aware that the
24 parolee has died.

25 (2) A victim's address and telephone number maintained by a
26 sheriff or the department of corrections upon a request for notice
27 under this section are exempt from disclosure under the freedom of

1 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
2 be released.

3 Sec. 21. (1) A victim has the right to do ~~both~~**ALL** of the
4 following:

5 (a) ~~To address~~**ADDRESS** or submit a written statement for
6 consideration by a parole board member or a member of any other
7 panel having authority over the prisoner's release on parole during
8 the time the prisoner's release on parole or commutation of
9 sentencing is being considered.

10 (b) ~~To address~~**ADDRESS** the parole board and to present
11 exhibits or other photographic or documentary information to the
12 parole board including at a commutation hearing.

13 **(C) REVIEW ALL DOCUMENTS, RECORDS, AND REPORTS SUBMITTED TO**
14 **THE PAROLE BOARD FOR CONSIDERATION REGARDING THE PRISONER'S RELEASE**
15 **ON PAROLE, AS SET FORTH IN SECTION 35(12) OF THE CORRECTIONS CODE**
16 **OF 1953, 1953 PA 232, MCL 791.235.**

17 (2) Not less than 30 days before a review of the prisoner's
18 release, a victim who has requested notice under section 19(1)(f)
19 shall be given written notice by the department of corrections
20 informing the victim of the pending review and of victims' rights
21 under this section. The victim, at his or her own expense, may be
22 represented by counsel at the review.

23 (3) A victim shall receive notice of the decision of the board
24 or panel and, if applicable, notice of the date of the prisoner's
25 release on parole. Notice shall be mailed within a reasonable time
26 after the board or panel reaches its decision but not later than 14
27 days after the board or panel has reached its decision. The notice

1 shall include a statement of the victim's right to appeal a parole
2 decision, as allowed under section 34 of the corrections code of
3 1953, 1953 PA 232, MCL 791.234.

4 (4) A record of an oral statement or a written statement made
5 under subsection (1) is exempt from disclosure under the freedom of
6 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
7 be released.

8 Enacting section 1. This amendatory act does not take effect
9 unless Senate Bill No. ____ or House Bill No. 4680 (request no.
10 00456'13) of the 97th Legislature is enacted into law.