

SENATE BILL No. 875

April 12, 2016, Introduced by Senators HORN, O'BRIEN, JONES and SCHUITMAKER 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, 20, 20a, 22a, 25, 46a, 48, 52, 78a, and 84 (MCL 780.769, 780.770, 780.770a, 780.772a, 780.775, 780.796a, 780.798, 780.802, 780.828a, and 780.834), sections 19, 20, and 48 as amended by 2012 PA 564, section 20a as amended by 1998 PA 523, section 22a as added by 1993 PA 341, section 25 as amended and section 84 as added by 1988 PA 21, section 46a as amended by 2000 PA 503, section 52 as added by 1988 PA 22, and section 78a as amended by 2006 PA 461.

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

1 who has been sentenced to imprisonment under the jurisdiction of
2 the sheriff or the department for that crime:

3 (a) Within 30 days after the request, notice of the sheriff's
4 calculation of the prisoner's earliest release date or the
5 department's calculation of the prisoner's earliest parole
6 eligibility date, with all potential good time or disciplinary
7 credits considered, if the sentence of imprisonment exceeds 90
8 days.

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

11 (c) Notice of the prisoner's release or pending release in a
12 community residential program or under furlough; any other transfer
13 to community status; any transfer from 1 community residential
14 program or electronic monitoring program to another; or any
15 transfer from a community residential program or electronic
16 monitoring program to a state correctional facility.

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

20 (e) Notice of both of the following:

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

27 (ii) The victim's right to address the parole board and to

1 present exhibits or other photographic or documentary information
2 to the parole board including at a commutation hearing.

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

6 (g) Notice of the release of a ~~THE~~ prisoner 90 days before the
7 date of the prisoner's discharge from prison, unless the notice has
8 been otherwise provided under this article.

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

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

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

18 (k) Notice that a ~~THE~~ prisoner has had his or her name legally
19 changed while on parole or within 2 years after release from
20 parole.

21 (l) Notice that a ~~THE~~ prisoner has been convicted of a new
22 crime.

23 (m) Notice that a ~~THE~~ prisoner has been returned from parole
24 status to a correctional facility due to an alleged violation of
25 the conditions of his or her parole.

26 (n) Notice that the prisoner, including a parolee, has died.
27 However, the notification requirements of this subdivision apply to

1 the death of a parolee only if the department is aware that the
2 parolee has died.

3 (0) NOTICE THAT THE PRISONER HAS ABSCONDED, IF LONGER THAN 7
4 DAYS.

5 (2) A victim's NAME, HOME address, ~~and HOME~~ telephone number,
6 CELLULAR TELEPHONE NUMBER, ELECTRONIC MAIL ADDRESS, WORK ADDRESS,
7 AND WORK TELEPHONE NUMBER maintained by a sheriff or the department
8 of corrections upon a request for notice under this section are
9 CONFIDENTIAL AND SHALL NOT BE DISCLOSED FOR PUBLIC INSPECTION AND
10 ARE exempt from disclosure under the freedom of information act,
11 1976 PA 442, MCL 15.231 to 15.246, and shall not be released.

12 Sec. 20. (1) The person designated in subsections (2) to (4)
13 shall give a victim who requests notice and the prosecuting
14 attorney who is prosecuting or has prosecuted the crime for which a
15 defendant is detained, under sentence, hospitalized, or admitted to
16 a facility immediate notice of the escape of the defendant accused,
17 convicted, imprisoned, hospitalized, or admitted to a facility for
18 committing a crime against the victim. The notice shall be given by
19 any means reasonably calculated to give prompt actual notice.

20 (2) If notice is required under this section and the defendant
21 escapes from custody before sentence is executed or before the
22 defendant is delivered to the department of corrections,
23 hospitalized, or admitted to a facility, the chief law enforcement
24 officer of the agency in charge of the person's detention shall
25 give notice to the prosecuting attorney that the defendant has
26 escaped, who shall then give notice to the victim who requested
27 that notice. The notice shall be provided to the victim within 24

1 hours after the defendant is reported to have escaped.

2 (3) If the defendant is confined under a sentence, the notice
3 required under this section shall be given by the chief
4 administrator of the place in which the ~~prisoner~~**DEFENDANT** is
5 confined.

6 (4) If the defendant is hospitalized under an order of
7 hospitalization or admitted to a facility under an order of
8 admission, the notice required under this section shall be given by
9 the director of the hospital in which the defendant is hospitalized
10 or by the director of the facility to which the defendant is
11 admitted.

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

16 (a) A juvenile is dismissed from court jurisdiction or
17 discharged from commitment to the ~~family independence agency~~
18 **DEPARTMENT OF HEALTH AND HUMAN SERVICES** or county juvenile agency.

19 (b) A juvenile is transferred from a secure juvenile facility
20 to a nonsecure juvenile facility.

21 (2) If the ~~family independence agency~~**DEPARTMENT OF HEALTH AND**
22 **HUMAN SERVICES** or county juvenile agency is not successful in
23 notifying the victim before an event described in subsection (1)
24 occurs, it shall notify the victim as soon as possible after that
25 event occurs by any means reasonably calculated to give prompt
26 actual notice.

27 (3) Upon the victim's written request, the ~~family independence~~

1 ~~agency~~ **DEPARTMENT OF HEALTH AND HUMAN SERVICES** or county juvenile
 2 agency, as applicable, shall give to the victim notice of a
 3 juvenile's escape. A victim who requests notice of an escape shall
 4 be given immediate notice of the escape by any means reasonably
 5 calculated to give prompt actual notice. If the escape occurs
 6 before the juvenile is delivered to the ~~family independence agency~~
 7 **DEPARTMENT OF HEALTH AND HUMAN SERVICES** or county juvenile agency,
 8 the agency in charge of the juvenile's detention shall give notice
 9 of the escape to the ~~family independence agency~~ **DEPARTMENT OF**
 10 **HEALTH AND HUMAN SERVICES** or county juvenile agency, which shall
 11 then give notice of the escape to the victim who requested notice.

12 Sec. 22a. If a defendant applies to have a conviction for an
 13 assaultive crime set aside under ~~Act No. 213 of the Public Acts of~~
 14 ~~1965, being sections 780.621 to 780.624 of the Michigan Compiled~~
 15 ~~Laws, 1965 PA 213, MCL 780.621 TO 780.624,~~ and if the name of the
 16 victim is known by the prosecuting attorney, the prosecuting
 17 attorney shall give to the victim of the assaultive crime written
 18 notice of the application and forward a copy of the application to
 19 the victim. The notice shall be by first-class mail to the victim's
 20 last known address. The victim has the right to appear at any
 21 proceeding under ~~Act No. 213 of the Public Acts of 1965~~ **1965 PA**
 22 **213, MCL 780.621 TO 780.624,** concerning that conviction and make a
 23 written or oral statement. As used in this section, "assaultive
 24 crime" means ~~that term as defined in section 9a of chapter X of the~~
 25 ~~code of criminal procedure, Act No. 175 of the Public Acts of 1927,~~
 26 ~~being section 770.9a of the Michigan Compiled Laws.~~ **A VIOLATION OF**
 27 **ANY OF THE FOLLOWING:**

1 (A) SECTION 601D, 602A(4) OR (5), 617(2) OR (3), 625(4) OR
2 (5), 626(3) OR (4), 653A(3) OR (4), OR 904(4) OR (5) OF THE
3 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.601D, 257.602A,
4 257.617, 257.625, 257.626, 257.653A, AND 257.904.

5 (B) SECTION 3(1) OR (2) OF 1988 PA 426, MCL 287.323.

6 (C) SECTION 1608, 80172, 80173, 80176(4) OR (5), 82126C(2), OR
7 82127(4) OR (5) OF THE NATURAL RESOURCES AND ENVIRONMENTAL
8 PROTECTION ACT, 1994 PA 451, MCL 324.1608, 324.80172, 324.80173,
9 324.80176, 324.82126C, AND 324.82127.

10 (D) SECTION 5210 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
11 333.5210.

12 (E) SECTION 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998,
13 1998 PA 58, MCL 436.1701.

14 (F) SECTION 72, 81, 81A, 81C, 81D, 82, 83, 84, 85, 86, 87, 88,
15 89, 90A, 90B(A) OR (B), 91, 110A(2), 112, 120A, 122, 135, 136B(2),
16 (3), OR (5), 145N, 147B, 157B, 197C, 200 TO 212A, 213, 234A, 234B,
17 234C, 316, 317, 317A, 321, 327, 328, 329, 349, 349A, 349B, 350,
18 377B, 394(2)(D) OR (E), 397, 397A, 411H(2)(B) OR (3), 411I, 436,
19 479, 479A, 483A(1) OR (3), 520B, 520C, 520D, 520E, 520G, 529, 529A,
20 530, 531, 540(5)(B), OR 543A TO 543Z OF THE MICHIGAN PENAL CODE,
21 1931 PA 328, MCL 750.72, 750.81, 750.81A, 750.81C, 750.81D, 750.82,
22 750.83, 750.84, 750.85, 750.86, 750.87, 750.88, 750.89, 750.90A,
23 750.90B, 750.91, 750.110A, 750.112, 750.120A, 750.122, 750.135,
24 750.136B, 750.145N, 750.147B, 750.157B, 750.197C, 750.200 TO
25 750.212A, 750.213, 750.234A, 750.234B, 750.234C, 750.316, 750.317,
26 750.317A, 750.321, 750.327, 750.328, 750.329, 750.349, 750.349A,
27 750.349B, 750.350, 750.377B, 750.394, 750.397, 750.397A, 750.411H,

1 750.411I, 750.436, 750.479, 750.479A, 750.483A, 750.520B, 750.520C,
2 750.520D, 750.520E, 750.520G, 750.529, 750.529A, 750.530, 750.531,
3 750.540, AND 750.543A TO 750.543Z.

4 (G) SECTION 1, 2, OR 2A OF 1968 PA 302, MCL 752.541, 752.542,
5 AND 752.542A.

6 (H) SECTION 1 OF 1952 PA 45, MCL 752.861.

7 (I) SECTION 1 OF 1954 PA 81, MCL 752.881.

8 Sec. 25. ~~(1) This article shall take effect October 9, 1985.~~

9 ~~——(2) This article shall apply only~~ **APPLIES** to **ALL** crimes
10 ~~committed on or after October 9, 1985.~~ **REGARDLESS OF WHEN THEY WERE**
11 **COMMITTED.**

12 Sec. 46a. (1) If a juvenile applies to have a conviction for
13 an assaultive crime or serious misdemeanor or an adjudication for
14 an offense that if committed by an adult would be an assaultive
15 crime or a serious misdemeanor set aside under section 18e of
16 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL
17 712A.18e, and the prosecuting attorney knows the ~~victim's name~~ **OF A**
18 **VICTIM OF THE OFFENSE**, the prosecuting attorney shall give the
19 victim ~~of the offense~~ written notice of the application and forward
20 a copy of the application to the victim. The notice shall be by
21 first-class mail to the victim's last known address. The victim has
22 the right to appear at any proceeding under section 18e of chapter
23 XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18e,
24 concerning that adjudication and make a written or oral statement.

25 (2) As used in this section:

26 (a) "Assaultive crime" means that term as defined in section
27 ~~9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL~~

1 ~~770.9a-22A.~~

2 (b) "Serious misdemeanor" means that term as defined in
3 section 61.

4 Sec. 48. (1) Upon the victim's written request, the court or
5 the department of **HEALTH AND** human services or county juvenile
6 agency, as applicable, shall make a good faith effort to notify the
7 victim before any of the following occurs:

8 (a) The juvenile is dismissed from court jurisdiction or
9 discharged from commitment to the department of **HEALTH AND** human
10 services or county juvenile agency.

11 (b) The juvenile is transferred from a juvenile facility to
12 any other juvenile facility.

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

16 (d) The juvenile is detained for having committed an act
17 which, if committed by an adult, would be a criminal violation.

18 (2) If the court, department of **HEALTH AND** human services, or
19 county juvenile agency is not successful in notifying the victim
20 before an event described in subsection (1)(a), (b), or (c) occurs,
21 it shall notify the victim as soon as possible after that event
22 occurs.

23 (3) Upon ~~the~~**A** victim's written request, the department of
24 **HEALTH AND** human services, county juvenile agency, or court shall
25 give to the victim notice of a juvenile's escape from a secure
26 detention or treatment facility. A victim who requests notice of an
27 escape shall be given immediate notice of the escape by any means

1 reasonably calculated to give prompt actual notice.

2 (4) Upon the victim's written request, the sheriff or the
3 department of corrections shall mail to the victim the following,
4 as applicable, about a juvenile who has been sentenced to
5 imprisonment under the jurisdiction of the sheriff or the
6 department for the offense against that victim:

7 (a) Within 30 days after the request, notice of the sheriff's
8 calculation of the juvenile's earliest release date or the
9 department's calculation of the juvenile's earliest parole
10 eligibility, with all potential good time or disciplinary credits
11 considered, if the sentence of imprisonment exceeds 90 days.

12 (b) Notice of the juvenile's transfer or pending transfer to a
13 minimum security facility and the facility's address.

14 (c) Notice of the juvenile's release or pending release in a
15 community residential program, under furlough, or any other
16 transfer to community status; any transfer from 1 community
17 residential program or electronic monitoring program to another; or
18 any transfer from a community residential program or electronic
19 monitoring program to a state correctional facility.

20 (d) Notice of the escape of the juvenile accused, convicted,
21 or imprisoned for committing an offense against the victim.

22 (e) Notice of both of the following:

23 (i) The victim's right to address or submit a written
24 statement for consideration by a parole board member or a member of
25 any other panel having authority over the juvenile's release on
26 parole during the time the juvenile's release on parole or
27 commutation of sentencing is being considered.

1 (ii) ~~To~~**THE VICTIM'S RIGHT TO** address the parole board and to
2 present exhibits or other photographic or documentary information
3 to the parole board including at a commutation hearing.

4 (f) Notice of the decision of the parole board, or any other
5 panel having authority over the juvenile's release on parole, after
6 a parole review.

7 (g) Notice of the release of a juvenile 90 days before the
8 date of the juvenile's discharge from prison, unless the notice has
9 been otherwise provided under this article.

10 (h) Notice of a public hearing under section 44 of **THE**
11 **CORRECTIONS CODE OF 1953**, 1953 PA 232, MCL 791.244, regarding a
12 reprieve, commutation, or pardon of the juvenile's sentence by the
13 governor.

14 (i) Notice that a reprieve, commutation, or pardon has been
15 granted or denied upon conclusion of a public hearing.

16 (j) Notice that a juvenile has had his or her name legally
17 changed while on parole or within 2 years after release from
18 parole.

19 (k) Notice that the juvenile, including a parolee, has died.
20 However, the notification requirements of this subdivision apply to
21 the death of a parolee only if the department is aware that the
22 parolee has died.

23 (5) A victim's **NAME, HOME** address, ~~and~~**HOME** telephone number,
24 **CELLULAR TELEPHONE NUMBER, ELECTRONIC MAIL OR TEXTING ADDRESS, WORK**
25 **ADDRESS, OR WORK TELEPHONE NUMBER** maintained by a sheriff, **THE**
26 **DEPARTMENT OF HEALTH AND HUMAN SERVICES, A COUNTY JUVENILE AGENCY,**
27 or the department of corrections upon a request for notice under

1 subsection (4) is **CONFIDENTIAL AND SHALL NOT BE OPEN FOR PUBLIC**
2 **INSPECTION AND IS** exempt from disclosure under the freedom of
3 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
4 be released.

5 (6) As provided in subsection (7) or (8), a victim who
6 requests notice of the escape and the prosecuting attorney who
7 filed the petition alleging the offense for which the juvenile is
8 accused, detained, or under sentence shall be given immediate
9 notice of the juvenile's escape. The notice shall be given by any
10 means reasonably calculated to give prompt actual notice.

11 (7) If the escape occurs before the sentence is executed or
12 before the juvenile is delivered to the department of **HEALTH AND**
13 human services, county juvenile agency, sheriff, or the department
14 of corrections, the person in charge of the agency in charge of the
15 juvenile's detention shall give notice of the escape to the
16 prosecuting attorney, who shall then give notice of the escape to a
17 victim who requested notice.

18 (8) If the juvenile is confined under sentence, the notice of
19 escape shall be given to the victim and the prosecuting attorney by
20 the chief administrator of the place in which the juvenile is
21 confined.

22 (9) Upon ~~the~~ **A** victim's request, the prosecuting attorney
23 shall give the victim notice of a review hearing conducted under
24 section 18 of chapter XIIA of the probate code of 1939, 1939 PA
25 288, MCL 712A.18. The victim has the right to make a statement at
26 the hearing or submit a written statement for use at the hearing,
27 or both.

1 Sec. 52. ~~(1) This article shall take effect June 1, 1988.~~
2 ~~(2) This article shall apply only~~ **APPLIES** to **ALL** offenses
3 ~~committed on or after June 1, 1988.~~ **REGARDLESS OF WHEN THEY WERE**
4 **COMMITTED.**

5 Sec. 78a. (1) Upon the written request of a victim of a
6 serious misdemeanor, the sheriff shall mail to the victim the
7 following, as applicable, about a prisoner who has been sentenced
8 to imprisonment under the jurisdiction of the sheriff for
9 commission of that serious misdemeanor:

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

15 (b) Notice that a prisoner has had his or her name legally
16 changed while imprisoned in the county jail or within 2 years of
17 release from the county jail.

18 (c) Notice that the prisoner has been placed on day parole or
19 work release.

20 (2) When a defendant is sentenced to probation or a term of
21 imprisonment, the prosecuting attorney shall provide the victim
22 with a form the victim may submit to receive the notices provided
23 for under this section or section 77b or 78b. The form shall
24 include the address of the court, prosecuting attorney, or
25 sheriff's department, as applicable, to which the form may be sent.

26 Sec. 84. ~~(1) This article shall take effect June 1, 1988.~~
27 ~~(2) This article shall apply only~~ **APPLIES** to **ALL** misdemeanors

1 ~~committed on or after June 1, 1988.~~ **REGARDLESS OF WHEN THEY WERE**
2 **COMMITTED.**

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.

5 Enacting section 2. This amendatory act does not take effect
6 unless all of the following bills of the 98th Legislature are
7 enacted into law:

8 (a) Senate Bill No. 873.

9

10 (b) Senate Bill No. 874.

11

12 (c) Senate Bill No. 876.

13

14 (d) Senate Bill No. ____ or House Bill No. ____ (request no.
15 01052'15).

16 (e) Senate Bill No. ____ or House Bill No. ____ (request no.
17 01053'15).

18 (f) Senate Bill No. 877.

19