SENATE BILL No. 876

April 12, 2016, Introduced by Senators O'BRIEN, JONES, SCHUITMAKER and HORN 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 18b, 45a, and 77b (MCL 780.768b, 780.795a, and 780.827b), as added by 2006 PA 461.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18b. **(1)** ~~If a defendant is sentenced to probation with a~~

2 ~~condition for the protection of the victim and if requested by the~~

3 ~~victim, the court shall notify the victim by mail if the court~~

4 ~~orders that the probation be terminated earlier than previously~~

5 ~~ordered.~~**BEFORE RULING ON A PETITION FOR EARLY TERMINATION OF**

6 **PROBATION, THE COURT SHALL NOTIFY BY MAIL A VICTIM OF THE**

7 **DEFENDANT'S COURSE OF CONDUCT IF THE PETITION CONCERNS ANY OF THE**

8 **FOLLOWING:**

9 **(A) A DEFENDANT WHOSE PROBATION INCLUDES A CONDITION FOR THE**

1   PROTECTION OF THE VICTIM.

2   (B) A DEFENDANT WHO HAS NOT FULLY PAID AN ORDER OF

3   RESTITUTION.

4   (C) A DEFENDANT WHO IS THE SUBJECT OF A PERSONAL PROTECTION

5   ORDER LISTING THE VICTIM AS A PROTECTED PARTY.

6   (2) THE NOTICE UNDER SUBSECTION (1) SHALL BE GIVEN 14 OR MORE

7   DAYS BEFORE A HEARING ON THE PETITION AND SHALL INDICATE THAT THE

8   VICTIM HAS A RIGHT TO SUBMIT TO THE COURT A STATEMENT OBJECTING TO

9   THE EARLY DISCHARGE FROM PROBATION, BASED ON CONCERN FOR PERSONAL

10   SAFETY OR CONCERN ABOUT SATISFACTION OF THE RESTITUTION ORDER.

11   (3) IF A DEFENDANT IS SENTENCED TO PROBATION AND THE PROBATION

12   OFFICER PETITIONS THE COURT TO HAVE THE DEFENDANT DISCHARGED FROM

13   PROBATION EARLIER THAN PREVIOUSLY ORDERED, THE COURT SHALL NOTIFY

14   THE PROSECUTING ATTORNEY BY MAIL AT LEAST 14 DAYS BEFORE THE

15   DEFENDANT IS DISCHARGED.

16   Sec. 45a. **(1)** ~~If a juvenile is sentenced to probation with a~~

17   ~~condition for the protection of the victim and if requested by the~~

18   ~~victim, the court shall notify the victim by mail if the court~~

19   ~~orders that the probation be terminated earlier than previously~~

20   ~~ordered.~~ BEFORE RULING ON A PETITION FOR EARLY TERMINATION OF

21   PROBATION, THE COURT SHALL NOTIFY BY MAIL A VICTIM OF THE

22   JUVENILE'S COURSE OF CONDUCT IF THE PETITION CONCERNS ANY OF THE

23   FOLLOWING:

24   (A) A JUVENILE WHOSE PROBATION INCLUDES A CONDITION FOR THE

25   PROTECTION OF THE VICTIM.

26   (B) A JUVENILE WHO HAS NOT FULLY PAID AN ORDER OF RESTITUTION.

27   (C) A JUVENILE WHO IS THE SUBJECT OF A PERSONAL PROTECTION

1   **ORDER LISTING THE VICTIM AS A PROTECTED PARTY.**

2   **(2) THE NOTICE UNDER SUBSECTION (1) SHALL BE GIVEN 14 OR MORE**

3   **DAYS BEFORE A HEARING ON THE PETITION AND SHALL INDICATE THAT THE**

4   **VICTIM HAS A RIGHT TO SUBMIT TO THE COURT A STATEMENT OBJECTING TO**

5   **THE EARLY DISCHARGE FROM PROBATION, BASED ON CONCERN FOR PERSONAL**

6   **SAFETY OR CONCERN ABOUT SATISFACTION OF THE RESTITUTION ORDER.**

7   Sec. 77b. **(1)** ~~If a defendant is sentenced to probation with a~~

8   ~~condition for the protection of the victim and if requested by the~~

9   ~~victim, the court shall notify the victim by mail if the court~~

10   ~~orders that the probation be terminated earlier than previously~~

11   ~~ordered.~~**BEFORE RULING ON A PETITION FOR EARLY TERMINATION OF**

12   **PROBATION, THE COURT SHALL NOTIFY BY MAIL OR EMAIL A VICTIM OF THE**

13   **DEFENDANT'S COURSE OF CONDUCT IF THE PETITION CONCERNS ANY OF THE**

14   **FOLLOWING:**

15   **(A) A DEFENDANT WHOSE PROBATION INCLUDES A CONDITION FOR THE**

16   **PROTECTION OF THE VICTIM.**

17   **(B) A DEFENDANT WHO HAS NOT FULLY PAID AN ORDER OF**

18   **RESTITUTION.**

19   **(C) A DEFENDANT WHO IS THE SUBJECT OF A PERSONAL PROTECTION**

20   **ORDER LISTING THE VICTIM AS A PROTECTED PARTY.**

21   **(2) THE NOTICE UNDER SUBSECTION (1) SHALL BE GIVEN 14 OR MORE**

22   **DAYS BEFORE A HEARING ON THE PETITION AND SHALL INDICATE THAT THE**

23   **VICTIM HAS A RIGHT TO SUBMIT TO THE COURT A STATEMENT OBJECTING TO**

24   **THE EARLY DISCHARGE FROM PROBATION, BASED ON CONCERN FOR PERSONAL**

25   **SAFETY OR CONCERN ABOUT SATISFACTION OF THE RESTITUTION ORDER.**

26   Enacting section 1. This amendatory act takes effect 90 days

27   after the date it is enacted into law.

1   Enacting section 2. This amendatory act does not take effect

2 unless all of the following bills of the 98th Legislature are

3 enacted into law:

4   (a) Senate Bill No. 873.

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6   (b) Senate Bill No. 874.

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8   (c) Senate Bill No. 875.

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10   (d) Senate Bill No.____ or House Bill No.____ (request no.

11 01052'15).

12   (e) Senate Bill No.____ or House Bill No.____ (request no.

13 01053'15).

14   (f) Senate Bill No. 877.

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