

SENATE BILL NO. 862

May 07, 2024, Introduced by Senators VICTORY, MCBROOM, GEISS, IRWIN, CHANG, SHINK, SANTANA, CAVANAGH, WOJNO and BAYER and referred to the Committee on Civil Rights, Judiciary, and Public Safety.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 13 and 41 (MCL 780.763 and 780.791), section 41 as amended by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 13. (1) The prosecuting attorney, upon and in accordance
2 with the request of the victim, shall give to the victim notice of
3 the following:

4 (a) The defendant's conviction.

5 (b) The crimes for which the defendant was convicted.

1 (c) The victim's right to make a written or oral impact
2 statement for use in the preparation of a presentence investigation
3 report concerning the defendant.

4 (d) The address and telephone number of the probation office
5 ~~which is to~~ **that will** prepare the presentence investigation report.

6 (e) That a presentence investigation report and any statement
7 of the victim included in the report will be made available to the
8 defendant unless exempted from disclosure by the court.

9 (f) The victim's right to make an impact statement at
10 sentencing.

11 (g) The time and place of the sentencing proceeding.

12 **(h) Whether the defendant may be eligible to earn productivity**
13 **credits under section 33a of 1893 PA 118, MCL 800.33a, that could**
14 **reduce a sentence of imprisonment.**

15 (2) The notice given by the prosecuting attorney to the victim
16 must be given by any means reasonably calculated to give prompt
17 actual notice.

18 (3) A notice given under subsection (1) ~~shall~~ **must** inform the
19 victim that ~~his or her~~ **the victim's** impact statement may include,
20 but ~~shall~~ **is** not ~~be~~ limited to, **any of** the following:

21 (a) An explanation of the nature and extent of any physical,
22 psychological, or emotional harm or trauma suffered by the victim.

23 (b) An explanation of the extent of any economic loss or
24 property damage suffered by the victim.

25 (c) An opinion of the need for and extent of restitution and
26 whether the victim has applied for or received compensation for
27 loss or damage.

28 (d) The victim's recommendation for an appropriate sentence.

29 Sec. 41. (1) The prosecuting attorney, or, pursuant to an

1 agreement under section 48a, the court, upon and in accordance with
2 the request of the victim, shall give the victim notice of all of
3 the following:

4 (a) The offenses for which the juvenile was adjudicated or
5 convicted.

6 (b) The victim's right to make an impact statement at the
7 disposition hearing or sentencing.

8 (c) The time and place of the disposition or sentencing
9 proceeding.

10 (d) **Whether the juvenile may be eligible to earn productivity**
11 **credits under section 33a of 1893 PA 118, MCL 800.33a, that could**
12 **reduce a sentence of imprisonment.**

13 (2) If a report is to be prepared for the juvenile's
14 disposition or for a sentencing in a proceeding that is a
15 designated case, the person preparing the report shall give notice
16 to the victim of all of the following:

17 (a) The victim's right to make an impact statement for use in
18 preparing the report.

19 (b) The address and telephone number of the person who is to
20 prepare the report.

21 (c) The fact that the report and any statement of the victim
22 included in the report will be made available to the juvenile
23 unless exempted from disclosure by the court.

24 (3) A notice under subsection (1) or (2) ~~shall~~**must** inform the
25 victim that ~~his or her~~**the victim's** impact statement may be oral or
26 written and may include, but ~~shall~~**is** not ~~be~~ limited to, any of the
27 following:

28 (a) An explanation of the nature and extent of any physical,
29 psychological, or emotional harm or trauma suffered by the victim.

1 (b) An explanation of the extent of any economic loss or
2 property damage suffered by the victim.

3 (c) An opinion of the need for and extent of restitution and
4 whether the victim has applied for or received compensation for
5 loss or damage.

6 (d) The victim's recommendation for an appropriate disposition
7 or sentence.

8 Enacting section 1. This amendatory act takes effect January
9 1, 2026.

10 Enacting section 2. This amendatory act does not take effect
11 unless Senate Bill No. 861 of the 102nd Legislature is enacted into
12 law.