

SENATE BILL NO. 323

May 03, 2023, Introduced by Senators POLEHANKI, BAYER, CAVANAGH, GEISS, CHANG and WOJNO 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 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, **including, but not limited to, a hearing under section**
11 **27c of chapter IX of the code of criminal procedure, 1927 PA 175,**
12 **MCL 769.27c.**

13 (g) The time and place of the sentencing proceeding,
14 **including, but not limited to, a hearing under section 27c of**
15 **chapter IX of the code of criminal procedure, 1927 PA 175, MCL**
16 **769.27c.**

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

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

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

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

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

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

2 Sec. 41. (1) The prosecuting attorney, or, pursuant to an
3 agreement under section 48a, the court, upon and in accordance with
4 the request of the victim, shall give the victim notice of all of
5 the following:

6 (a) The offenses for which the juvenile was adjudicated or
7 convicted.

8 (b) The victim's right to make an impact statement at the
9 disposition hearing or sentencing, **including, but not limited to, a**
10 **hearing under section 27c of chapter IX of the code of criminal**
11 **procedure, 1927 PA 175, MCL 769.27c.**

12 (c) The time and place of the disposition or sentencing
13 proceeding, **including, but not limited to, a hearing under section**
14 **27c of chapter IX of the code of criminal procedure, 1927 PA 175,**
15 **MCL 769.27c.**

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

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

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

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

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

1 following:

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

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

6 (c) An opinion of the need for and extent of restitution and
7 whether the victim has applied for or received compensation for
8 loss or damage.

9 (d) The victim's recommendation for an appropriate disposition
10 or sentence.

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. 321 of the 102nd Legislature is enacted into
13 law.