

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1211

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending sections 19, 20, 21, and 48 (MCL 780.769, 780.770,
780.771, and 780.798), sections 19, 20, and 21 as amended by 2005
PA 184 and section 48 as amended by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Upon the ~~victim's~~ written request **OF ANY**
2 **INDIVIDUAL WHO WAS A VICTIM OF THE DEFENDANT'S COURSE OF CONDUCT**
3 **THAT GAVE RISE TO THE CONVICTION**, the sheriff or the department of
4 corrections shall mail to ~~the~~ **THAT** victim the following, as
5 applicable, about a prisoner who has been sentenced to imprisonment
6 under the jurisdiction of the sheriff or the department for ~~the~~
7 **THAT** crime: ~~against that victim.~~

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

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

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

15 (d) Notice ~~of the escape of~~ **THAT** the person accused,
16 convicted, or imprisoned for committing a crime against the victim
17 **HAS ESCAPED FROM CUSTODY**, as provided in section 20.

18 (e) Notice of ~~the~~ **BOTH OF THE FOLLOWING:**

19 (i) **THE** victim's right to address or submit a written statement
20 for consideration by a parole board member or a member of any other
21 panel having authority over the prisoner's release on parole **DURING**
22 **THE TIME THE PRISONER'S RELEASE ON PAROLE OR COMMUTATION OF**
23 **SENTENCING IS BEING CONSIDERED**, as provided in section 21.

24 (ii) **THE VICTIM'S RIGHT TO ADDRESS THE PAROLE BOARD AND TO**
25 **PRESENT EXHIBITS OR OTHER PHOTOGRAPHIC OR DOCUMENTARY INFORMATION**
26 **TO THE PAROLE BOARD INCLUDING AT A COMMUTATION HEARING.**

27 (f) Notice of the decision of the parole board, or any other

1 panel having authority over the prisoner's release on parole, after
2 a parole review, as provided in section 21.

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

6 **(H) NOTICE THAT THE PRISONER HAS APPLIED FOR A REPRIEVE,**
7 **COMMUTATION, OR PARDON AND THE PAROLE BOARD HAS DECIDED TO CONSIDER**
8 **THE APPLICATION.**

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

13 **(J)** ~~(i)~~—Notice that a reprieve, commutation, or pardon has
14 been granted **OR DENIED UPON CONCLUSION OF A PUBLIC HEARING.**

15 **(K)** ~~(j)~~—Notice that a prisoner has had his or her name legally
16 changed while on parole or within 2 years after release from
17 parole.

18 **(L)** ~~(k)~~—Notice that a prisoner has been convicted of a new
19 crime.

20 **(M)** ~~(l)~~—Notice that a prisoner has been returned from parole
21 status to a correctional facility due to an alleged violation of
22 the conditions of his or her parole.

23 **(N) NOTICE THAT THE PRISONER, INCLUDING A PAROLEE, HAS DIED.**
24 **HOWEVER, THE NOTIFICATION REQUIREMENTS OF THIS SUBDIVISION APPLY TO**
25 **THE DEATH OF A PAROLEE ONLY IF THE DEPARTMENT IS AWARE THAT THE**
26 **PAROLEE HAS DIED.**

27 (2) A victim's address and telephone number maintained by a

1 sheriff or the department of corrections upon a request for notice
2 under this section are 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 Sec. 20. (1) The person designated in subsections (2) to (4)
6 shall give a victim who requests notice and the prosecuting
7 attorney who is prosecuting or has prosecuted the crime for which a
8 defendant is detained, under sentence, hospitalized, or admitted to
9 a facility immediate notice of the escape of the defendant accused,
10 convicted, imprisoned, hospitalized, or admitted **TO A FACILITY** for
11 committing a crime against the victim. The notice shall be given by
12 any means reasonably calculated to give prompt actual notice.

13 (2) If ~~an escape for which a notice~~ **IS REQUIRED** under this
14 ~~section is required occurs~~ **AND THE DEFENDANT ESCAPES FROM CUSTODY**
15 before sentence is executed or before the defendant is delivered to
16 the department of corrections, hospitalized, or admitted to a
17 facility, the chief law enforcement officer of the agency in charge
18 of the person's detention shall give notice ~~of the escape~~ to the
19 prosecuting attorney **THAT THE DEFENDANT HAS ESCAPED**, who shall then
20 give notice ~~of the escape~~ to the victim who requested **THAT** notice.
21 **THE NOTICE SHALL BE PROVIDED TO THE VICTIM WITHIN 24 HOURS AFTER**
22 **THE DEFENDANT IS REPORTED TO HAVE ESCAPED.**

23 (3) If the defendant is confined under a sentence, the notice
24 required under this section shall be given by the chief
25 administrator of the place in which the prisoner is confined.

26 (4) If the defendant is hospitalized under an order of
27 hospitalization or admitted to a facility under an order of

1 admission, the notice required under this section shall be given by
2 the director of the hospital in which the defendant is hospitalized
3 or by the director of the facility to which the defendant is
4 admitted.

5 Sec. 21. (1) A victim has the right to **DO BOTH OF THE**
6 **FOLLOWING:**

7 (A) TO address or submit a written statement for consideration
8 by a parole board member or a member of any other panel having
9 authority over the prisoner's release on parole **DURING THE TIME THE**
10 **PRISONER'S RELEASE ON PAROLE OR COMMUTATION OF SENTENCING IS BEING**
11 **CONSIDERED.**

12 (B) TO ADDRESS THE PAROLE BOARD AND TO PRESENT EXHIBITS OR
13 OTHER PHOTOGRAPHIC OR DOCUMENTARY INFORMATION TO THE PAROLE BOARD
14 INCLUDING AT A COMMUTATION HEARING.

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

21 (3) A victim shall receive notice of the decision of the board
22 or panel and, if applicable, notice of the date of the prisoner's
23 release on parole. Notice shall be mailed within a reasonable time
24 after the board or panel reaches its decision but not later than 14
25 days after the board or panel has reached its decision. The notice
26 shall include a statement of the victim's right to appeal a parole
27 decision, as allowed under section 34 of the corrections code of

1 1953, 1953 PA 232, MCL 791.234.

2 (4) A record of an oral statement or a written statement made
3 under subsection (1) is exempt from disclosure under the freedom of
4 information act, 1976 PA 442, MCL 15.231 to 15.246, **AND SHALL NOT**
5 **BE RELEASED.**

6 Sec. 48. (1) Upon the victim's written request, the court or
7 the ~~family independence agency~~ **DEPARTMENT OF HUMAN SERVICES** or
8 county juvenile agency, as applicable, shall make a good faith
9 effort to notify the victim before any of the following occurs:

10 (a) The juvenile is dismissed from court jurisdiction or
11 discharged from commitment to the ~~family independence agency~~
12 **DEPARTMENT OF HUMAN SERVICES** or county juvenile agency.

13 (b) The juvenile is transferred from a juvenile facility to
14 any other juvenile facility.

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

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

20 (2) If the court, ~~family independence agency~~ **DEPARTMENT OF**
21 **HUMAN SERVICES**, or county juvenile agency is not successful in
22 notifying the victim before an event described in subsection
23 (1)(a), (b), or (c) occurs, it shall notify the victim as soon as
24 possible after that event occurs.

25 (3) Upon the victim's written request, the ~~family independence~~
26 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES**, county juvenile agency, or
27 court shall give to the victim notice of a juvenile's escape from a

1 secure detention or treatment facility. A victim who requests
2 notice of an escape shall be given immediate notice of the escape
3 by any means reasonably calculated to give prompt actual notice.

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

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

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

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

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

26 (e) Notice of ~~the~~ **BOTH OF THE FOLLOWING:**

27 (i) **THE** victim's right to address or submit a written statement

1 for consideration by a parole board member or a member of any other
2 panel having authority over the juvenile's release on parole **DURING**
3 **THE TIME THE JUVENILE'S RELEASE ON PAROLE OR COMMUTATION OF**
4 **SENTENCING IS BEING CONSIDERED.**

5 (ii) TO ADDRESS THE PAROLE BOARD AND TO PRESENT EXHIBITS OR
6 OTHER PHOTOGRAPHIC OR DOCUMENTARY INFORMATION TO THE PAROLE BOARD
7 INCLUDING AT A COMMUTATION HEARING.

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

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

14 (h) Notice of a public hearing under section 44 of 1953 PA
15 232, MCL 791.244, regarding a reprieve, commutation, or pardon of
16 the juvenile's sentence by the governor.

17 (i) Notice that a reprieve, commutation, or pardon has been
18 granted **OR DENIED UPON CONCLUSION OF A PUBLIC HEARING.**

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

22 (K) NOTICE THAT THE JUVENILE, INCLUDING A PAROLEE, HAS DIED.
23 HOWEVER, THE NOTIFICATION REQUIREMENTS OF THIS SUBDIVISION APPLY TO
24 THE DEATH OF A PAROLEE ONLY IF THE DEPARTMENT IS AWARE THAT THE
25 PAROLEE HAS DIED.

26 (5) A victim's address and telephone number maintained by a
27 sheriff or the department of corrections upon a request for notice

1 under subsection (4) is exempt from disclosure under the freedom of
2 information act, 1976 PA 442, MCL 15.231 to 15.246, **AND SHALL NOT**
3 **BE RELEASED.**

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

10 (7) If the escape occurs before the sentence is executed or
11 before the juvenile is delivered to the ~~family independence agency~~
12 **DEPARTMENT OF HUMAN SERVICES**, county juvenile agency, sheriff, or
13 the department of corrections, the person in charge of the agency
14 in charge of the juvenile's detention shall give notice of the
15 escape to the prosecuting attorney, who shall then give notice of
16 the escape to a victim who requested notice.

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

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