

**SUBSTITUTE FOR
SENATE BILL NO. 628**

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending section 2 (MCL 780.752), as amended by 2009 PA 28.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise defined in this article, as
2 used in this article:

3 (a) "County juvenile agency" means that term as defined in
4 section 2 of the county juvenile agency act, 1998 PA 518, MCL
5 45.622.

6 (b) "Crime" means a violation of a penal law of this state for
7 which the offender, upon conviction, may be punished by
8 imprisonment for more than 1 year or an offense expressly
9 designated by law as a felony.

10 (c) "Crime victim services commission" means that term as
11 described in section 2 of 1976 PA 223, MCL 18.352.

1 (d) "Defendant" means a person charged with, convicted of, or
2 found not guilty by reason of insanity of committing a crime
3 against a victim.

4 (e) "Facility", as used in sections 6, 13a, 19a, and 20 only,
5 and not with reference to a juvenile facility, means that term as
6 defined in section 100b of the mental health code, 1974 PA 258, MCL
7 330.1100b.

8 (f) "Final disposition" means the ultimate termination of the
9 criminal prosecution of a defendant including, but not limited to,
10 dismissal, acquittal, or imposition of sentence by the court.

11 (g) "Juvenile" means a person within the jurisdiction of the
12 circuit court under section 606 of the revised judicature act of
13 1961, 1961 PA 236, MCL 600.606.

14 (h) "Juvenile facility" means a county facility, institution
15 operated as an agency of the county or the family division of
16 circuit court, or an institution or agency described in the youth
17 rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309,
18 to which a juvenile has been committed or in which a juvenile is
19 detained.

20 (i) "Hospital" means that term as defined in section 100b of
21 the mental health code, 1974 PA 258, MCL 330.1100b.

22 (j) "Person" means an individual, organization, partnership,
23 corporation, or governmental entity.

24 (k) "Prisoner" means a person who has been convicted and
25 sentenced to imprisonment or placement in a juvenile facility for
26 having committed a crime or an act that would be a crime if
27 committed by an adult against a victim.

1 (l) "Prosecuting attorney" means the prosecuting attorney for a
2 county, an assistant prosecuting attorney for a county, the
3 attorney general, the deputy attorney general, an assistant
4 attorney general, or a special prosecuting attorney.

5 (m) "Victim" means any of the following:

6 (i) An individual who suffers direct or threatened physical,
7 financial, or emotional harm as a result of the commission of a
8 crime, except as provided in subparagraph (ii), (iii), or (iv).

9 (ii) The following individuals other than the defendant if the
10 victim is deceased:

11 (A) The spouse of the deceased victim.

12 (B) A child of the deceased victim if the child is 18 years of
13 age or older and sub-subparagraph (A) does not apply.

14 (C) A parent of a deceased victim if sub-subparagraphs (A) and
15 (B) do not apply.

16 (D) The guardian or custodian of a child of a deceased victim
17 if the child is less than 18 years of age and sub-subparagraphs (A)
18 to (C) do not apply.

19 (E) A sibling of the deceased victim if sub-subparagraphs (A)
20 to (D) do not apply.

21 (F) A grandparent of the deceased victim if sub-subparagraphs
22 (A) to (E) do not apply.

23 (iii) A parent, guardian, or custodian of a victim who is less
24 than 18 years of age and who is neither the defendant nor
25 incarcerated, if the parent, guardian, or custodian so chooses. **FOR**
26 **THE PURPOSE OF MAKING AN IMPACT STATEMENT ONLY, A PARENT, GUARDIAN,**
27 **OR CUSTODIAN OF A VICTIM WHO IS LESS THAN 18 YEARS OF AGE AT THE**

1 **TIME OF THE COMMISSION OF THE CRIME AND WHO IS NEITHER THE**
2 **DEFENDANT NOR INCARCERATED, IF THE PARENT, GUARDIAN, OR CUSTODIAN**
3 **SO CHOOSES.**

4 (iv) A parent, guardian, or custodian of a victim who is
5 mentally or emotionally unable to participate in the legal process
6 if he or she is neither the defendant nor incarcerated.

7 (2) If a victim as defined in subsection (1)(m)(i) is
8 physically or emotionally unable to exercise the privileges and
9 rights under this article, the victim may designate his or her
10 spouse, child 18 years of age or older, parent, sibling,
11 grandparent, or any other person 18 years of age or older who is
12 neither the defendant nor incarcerated to act in his or her place
13 while the physical or emotional disability continues. The victim
14 shall provide the prosecuting attorney with the name of the person
15 who is to act in his or her place. During the physical or emotional
16 disability, notices to be provided under this article to the victim
17 shall continue to be sent only to the victim.

18 (3) An individual who is charged with a crime arising out of
19 the same transaction from which the charge against the defendant
20 arose is not eligible to exercise the privileges and rights
21 established for victims under this article.

22 (4) An individual who is incarcerated is not eligible to
23 exercise the privileges and rights established for victims under
24 this article except that he or she may submit a written statement
25 to the court for consideration at sentencing.