



HOUSE BILL No. 5407

(As Amended March 7, 2018)

January 11, 2018, Introduced by Reps. Hughes, Victory and Kesto and referred to the Committee on Law and Justice.

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending sections 15, 43, and 75 (MCL 780.765, 780.793, and
780.825), as amended by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) The victim has the right to appear and make an
2 oral impact statement at the sentencing of the defendant. If the
3 victim is physically or emotionally unable to make the oral impact
4 statement, the victim may designate any other person 18 years of
5 age or older who is neither the defendant nor incarcerated to make
6 the statement on his or her behalf. The other person need not be an
7 attorney.

8 (2) UNLESS THE COURT HAS DETERMINED, IN ITS DISCRETION, THAT
9 THE DEFENDANT IS BEHAVING IN A DISRUPTIVE MANNER OR [

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] PRESENTS A THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN
THE COURTROOM, THE DEFENDANT MUST BE PHYSICALLY PRESENT IN THE
COURTROOM AT THE TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER
SUBSECTION (1). [IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE
COURT SHALL CONSIDER A VICTIM'S PREFERENCE ON THE DEFENDANT BEING
PHYSICALLY PRESENT DURING THAT VICTIM'S ORAL IMPACT STATEMENT.]

(3) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND SECTIONS 43 AND 75 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH BLETSCH LAW".

Sec. 43. (1) The victim has the right to appear and make an oral impact statement at the juvenile's disposition or sentencing. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on his or her behalf. The other person need not be an attorney.

(2) Upon request, the victim shall be notified by the prosecuting attorney, or, pursuant to an agreement under section 48a, the court of the disposition of the juvenile's offense not more than 30 days after the disposition is made.

(3) UNLESS THE COURT HAS DETERMINED, IN ITS DISCRETION, THAT THE JUVENILE IS BEHAVING IN A DISRUPTIVE MANNER OR [] PRESENTS A THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN THE COURTROOM, THE JUVENILE MUST BE PHYSICALLY PRESENT IN THE COURTROOM AT THE TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER SUBSECTION (1). [IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE COURT SHALL CONSIDER A VICTIM'S PREFERENCE ON THE JUVENILE BEING PHYSICALLY PRESENT DURING THAT VICTIM'S ORAL IMPACT STATEMENT.]

(4) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND SECTIONS 15 AND 75 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH BLETSCH LAW".

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1 Sec. 75. **(1)** If no presentence report is prepared, the court
2 shall notify the prosecuting attorney of the date and time of
3 sentencing at least 10 days prior to the sentencing. The victim has
4 the right to submit a written impact statement and has the right to
5 appear and make an oral impact statement at the sentencing of the
6 defendant. If the victim is physically or emotionally unable to
7 make the oral impact statement, the victim may designate any other
8 person 18 years of age or older who is neither the defendant nor
9 incarcerated to make the statement on his or her behalf. The other
10 person need not be an attorney. The court shall consider the
11 victim's statement in imposing sentence on the defendant.

12 **(2) UNLESS THE COURT HAS DETERMINED, IN ITS DISCRETION, THAT**
13 **THE DEFENDANT IS BEHAVING IN A DISRUPTIVE MANNER OR [**
14 **] PRESENTS A THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN**
15 **THE COURTROOM, THE DEFENDANT MUST BE PHYSICALLY PRESENT IN THE**
16 **COURTROOM AT THE TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER**
17 **SUBSECTION (1). [IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE**
COURT SHALL CONSIDER A VICTIM'S PREFERENCE ON THE DEFENDANT BEING
PHYSICALLY PRESENT DURING THAT VICTIM'S ORAL IMPACT STATEMENT.]

18 **(3) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND**
19 **SECTIONS 15 AND 43 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH**
20 **BLETSCH LAW".**

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.