

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5407**

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 PRESENTS A
10 THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN THE COURTROOM,

1 THE DEFENDANT MUST BE PHYSICALLY PRESENT IN THE COURTROOM AT THE
2 TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER SUBSECTION (1).
3 IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE COURT SHALL
4 CONSIDER A VICTIM'S PREFERENCE ON THE DEFENDANT BEING PHYSICALLY
5 PRESENT DURING THAT VICTIM'S ORAL IMPACT STATEMENT.

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

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

16 (2) Upon request, the victim shall be notified by the
17 prosecuting attorney, or, pursuant to an agreement under section
18 48a, the court of the disposition of the juvenile's offense not
19 more than 30 days after the disposition is made.

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

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

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

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

23 (3) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND
24 SECTIONS 15 AND 43 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH
25 BLETSCH LAW".