



# SENATE BILL No. 137

January 13, 1993, Introduced by Senator VAN REGENMORTER  
and referred to the Committee on Judiciary.

A bill to amend sections 2, 3, 5, 6, 16, 18a, 19, 31, 32, 35, 36, 43, 44, 46, 48, 61, 63, 66, 76, and 78 of Act No. 87 of the Public Acts of 1985, entitled as amended "Crime victim's rights act," sections 2, 5, 6, 16, and 19 as amended and sections 18a, 61, 63, 66, 76, and 78 as added by Act No. 21 of the Public Acts of 1988 and sections 31, 32, 35, 36, 43, 44, 46, and 48 as added by Act No. 22 of the Public Acts of 1988, being sections 780.752, 780.753, 780.755, 780.756, 780.766, 780.768a, 780.769, 780.781, 780.782, 780.785, 780.786, 780.793, 780.794, 780.796, 780.798, 780.811, 780.813, 780.816, 780.826, and 780.828 of the Michigan Compiled Laws; and to add sections 20a, 20b, 22a, 48a, 77a, 78a, and 78b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SENATE BILL No. 137

1 Section 1. Sections 2, 3, 5, 6, 16, 18a, 19, 31, 32, 35,  
2 36, 43, 44, 46, 48, 61, 63, 66, 76, and 78 of Act No. 87 of the  
3 Public Acts of 1985, sections 2, 5, 6, 16, and 19 as amended and  
4 sections 18a, 61, 63, 66, 76, and 78 as added by Act No. 21 of  
5 the Public Acts of 1988 and sections 31, 32, 35, 36, 43, 44, 46,  
6 and 48 as added by Act No. 22 of the Public Acts of 1988, being  
7 sections 780.752, 780.753, 780.755, 780.756, 780.766, 780.768a,  
8 780.769, 780.781, 780.782, 780.785, 780.786, 780.793, 780.794,  
9 780.796, 780.798, 780.811, 780.813, 780.816, 780.826, and 780.828  
10 of the Michigan Compiled Laws, are amended and sections 20a, 20b,  
11 22a, 48a, 77a, 78a, and 78b are added to read as follows:

12 Sec. 2. (1) As used in this article:

13 (a) "Crime" means a violation of a penal law of this state  
14 for which the offender, upon conviction, may be punished by  
15 imprisonment for more than 1 year, or an offense expressly desig-  
16 nated by law to be a felony.

17 (b) "Defendant" means a person charged with or convicted of  
18 having committed a crime against a victim.

19 (c) "Final disposition" means the ultimate termination of  
20 the criminal prosecution of a defendant including, but not  
21 limited to, dismissal, acquittal, or imposition of sentence by  
22 the court.

23 (D) "JUVENILE" MEANS A PERSON WITHIN THE JURISDICTION OF THE  
24 CIRCUIT COURT UNDER SECTION 606 OF THE REVISED JUDICATURE ACT OF  
25 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION  
26 600.606 OF THE MICHIGAN COMPILED LAWS, OR WITHIN THE JURISDICTION  
27 OF THE RECORDER'S COURT OF THE CITY OF DETROIT UNDER SECTION

1 10A(1)(C) OF ACT NO. 369 OF THE PUBLIC ACTS OF 1919, BEING  
2 SECTION 725.10A OF THE MICHIGAN COMPILED LAWS.

3 (E) "JUVENILE FACILITY" MEANS A COUNTY FACILITY, INSTITUTION  
4 OPERATED AS AN AGENCY OF THE COUNTY OR THE JUVENILE DIVISION OF  
5 THE PROBATE COURT, OR A STATE INSTITUTION OR AGENCY DESCRIBED IN  
6 THE YOUTH REHABILITATION SERVICES ACT, ACT NO. 150 OF THE PUBLIC  
7 ACTS OF 1974, BEING SECTIONS 803.301 TO 803.309 OF THE MICHIGAN  
8 COMPILED LAWS, TO WHICH A JUVENILE HAS BEEN COMMITTED OR IN WHICH  
9 A JUVENILE IS DETAINED.

10 (F) ~~(d)~~ "Person" means an individual, organization, part-  
11 nership, corporation, or governmental entity.

12 (G) ~~(e)~~ "Prisoner" means a person who has been convicted  
13 and sentenced to imprisonment OR PLACEMENT IN A JUVENILE FACILITY  
14 for having committed a crime OR AN ACT THAT WOULD BE A CRIME IF  
15 COMMITTED BY AN ADULT against a victim.

16 (H) ~~(f)~~ "Prosecuting attorney" means the prosecuting  
17 attorney for a county, an assistant prosecuting attorney for a  
18 county, the attorney general, the deputy attorney general, an  
19 assistant attorney general, ~~and~~ OR a special prosecuting  
20 attorney.

21 (I) ~~(g)~~ "Victim", except for purposes of section 16, means  
22 any of the following:

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

26 (ii) The following relations of a deceased victim if the  
27 relation is not the defendant:

1 (A) The spouse.

2 (B) A child 15 years of age or older if subparagraph (A)  
3 does not apply.

4 (C) A parent if subparagraphs (A) and (B) do not apply.

5 (D) A sibling if subparagraphs (A) to (C) do not apply.

6 (E) A grandparent if subparagraphs (A) to (D) do not apply.

7 (iii) A parent, guardian, or custodian of a victim who is  
8 less than 18 years of age if the parent, guardian, or custodian  
9 so chooses.

10 (iv) A parent, guardian, or custodian of a victim who is so  
11 mentally incapacitated that he or she cannot meaningfully under-  
12 stand or participate in the legal process.

13 (2) If a victim as defined in subsection ~~(1)(g)(i)~~  
14 (1)(I)(i) is physically unable to exercise the privileges and  
15 rights under this article, the victim may designate his or her  
16 spouse or a child 15 years of age or older, parent, sibling, or  
17 grandparent of the victim to act in place of the victim during  
18 the duration of the physical disability. During the physical  
19 disability, notices to be provided under this article to the  
20 victim shall continue to be sent only to the victim.

21 Sec. 3. Within 24 hours after the initial contact between  
22 the victim of a reported crime and the law enforcement agency  
23 having the responsibility for investigating that crime, that  
24 agency shall give to the victim the following information IN  
25 WRITING:

26 (a) The availability of emergency and medical services, if  
27 applicable.

1 (b) The availability of victim's compensation benefits and  
2 the address of the crime victims compensation board.

3 (c) The address and ~~phone~~ TELEPHONE number of the prose-  
4 cuting attorney whom the victim should contact to obtain informa-  
5 tion about victim's rights.

6 (d) The following statement:

7 "If ~~within 6 months,~~ you are not notified of an arrest in  
8 your case, you may call ~~[the~~ THIS law enforcement ~~agency's~~  
9 ~~telephone number]~~ AGENCY for the status of the case."

10 (E) THE LAW ENFORCEMENT AGENCY'S TELEPHONE NUMBER.

11 Sec. 5. (1) Not later than 24 hours after the arraignment  
12 of the defendant for a crime, the law enforcement agency having  
13 responsibility for investigating the crime shall give to the  
14 victim notice of the availability of pretrial release for the  
15 defendant, the phone number of the sheriff OR JUVENILE FACILITY,  
16 and notice that the victim may contact the sheriff OR JUVENILE  
17 FACILITY to determine whether the defendant has been released  
18 from custody.

19 (2) Based upon the victim's affidavit asserting acts or  
20 threats of physical violence or intimidation by the defendant or  
21 at the defendant's direction against the victim or the victim's  
22 immediate family, the prosecuting attorney may move that the bond  
23 or personal recognizance of a defendant be revoked.

24 Sec. 6. (1) Not later than 7 days after the arraignment of  
25 the defendant for a crime, but not less than 24 hours before a  
26 preliminary examination, the prosecuting attorney shall give to

1 each victim a written notice in plain English of each of the  
2 following:

3 (a) A brief statement of the procedural steps in the pro-  
4 cessing of a criminal case.

5 (b) ~~The~~ A SPECIFIC LIST OF THE rights and procedures under  
6 this article.

7 (c) Details and eligibility requirements under Act No. 223  
8 of the Public Acts of 1976, being sections 18.351 to 18.368 of  
9 the Michigan Compiled Laws.

10 (d) Suggested procedures if the victim is subjected to  
11 threats or intimidation.

12 (e) The person to contact for further information.

13 (2) If requested by the victim, the prosecuting attorney  
14 shall give to the victim notice of any scheduled court proceed-  
15 ings and notice of any changes in that schedule.

16 (3) ~~The~~ BEFORE FINALIZING ANY NEGOTIATION THAT MAY RESULT  
17 IN A DISMISSAL, PLEA OR SENTENCE BARGAIN, OR PRETRIAL DIVERSION,  
18 THE prosecuting attorney shall offer the victim the opportunity  
19 to consult with the prosecuting attorney to obtain the views of  
20 the victim about the disposition of a crime, including the  
21 victim's views about dismissal, plea or sentence negotiations,  
22 and pretrial diversion programs.

23 (4) A victim who receives a notice under subsection (1) and  
24 who chooses to receive any other notice or notices under this  
25 article shall keep the following persons informed of the victim's  
26 current address and phone number:

1 (a) The prosecuting attorney, until final disposition or  
2 completion of the appellate process, whichever occurs later.

3 (b) The department of corrections, THE DEPARTMENT OF SOCIAL  
4 SERVICES, or the sheriff as directed by the prosecuting attorney  
5 if the defendant is imprisoned OR HELD IN A JUVENILE FACILITY.

6 Sec. 16. (1) For purposes of this section only, "victim"  
7 means an individual who suffers direct or threatened physical,  
8 financial, or emotional harm as a result of the commission of a  
9 crime. ~~—and for~~ FOR purposes of subsections (2), (3), (4),  
10 (7), (9), (10), (11), and (15), "victim" includes a ~~sole~~  
11 ~~proprietorship,~~ partnership, ~~or~~ corporation, ASSOCIATION, GOV-  
12 ERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY THAT SUFFERS DIRECT  
13 PHYSICAL OR FINANCIAL HARM AS A RESULT OF A CRIME.

14 (2) The court, when sentencing a defendant convicted of a  
15 crime, may order, in addition to or in lieu of any other penalty  
16 authorized by law or in addition to any other penalty required by  
17 law, that the defendant make restitution to any victim of the  
18 defendant's course of conduct ~~—which~~ THAT gives rise to the con-  
19 viction, or to the victim's estate.

20 (3) If the court does not order restitution, or orders only  
21 partial restitution under this section, the court shall state on  
22 the record the reasons for that action.

23 (4) If a crime results in damage to or loss or destruction  
24 of property of a victim of the offense, the order of restitution  
25 may require that the defendant do either of the following:

26 (a) Return the property to the owner of the property or to a  
27 person designated by the owner.

1 (b) If return of the property under subdivision (a) is  
2 impossible, impractical, or inadequate, pay an amount equal to  
3 the greater of ~~subparagraphs~~ SUBPARAGRAPH (i) or (ii), less the  
4 value, determined as of the date the property is returned, of  
5 that property or any part of the property that is returned:

6 (i) The value of the property on the date of the damage,  
7 loss, or destruction.

8 (ii) The value of the property on the date of sentencing.

9 (5) If a crime results in physical or psychological injury  
10 to a victim, the order of restitution may require that the  
11 defendant do 1 or more of the following, as applicable:

12 (a) Pay an amount equal to the cost of actual medical and  
13 related professional services and devices relating to physical  
14 and psychological care.

15 (b) Pay an amount equal to the cost of actual physical and  
16 occupational therapy and rehabilitation.

17 (c) Reimburse the victim or the victim's estate for  
18 after-tax income loss suffered by the victim as a result of the  
19 offense.

20 (d) Pay an amount equal to the cost of psychological and  
21 medical treatment for members of the victim's family ~~which~~ THAT  
22 has been incurred as a result of the offense.

23 (6) If a crime resulting in bodily injury also results in  
24 the death of a victim, the order of restitution may require that  
25 the defendant pay an amount equal to the cost of actual funeral  
26 and related services.

1 (7) Instead of restitution under subsections (4) to (6), if  
2 the victim or victim's estate consents, the order of restitution  
3 may require that the defendant make restitution in services in  
4 lieu of money, or make restitution to a person designated by the  
5 victim or victim's estate if that person provided services to the  
6 victim as a result of the crime.

7 (8) If the court orders restitution under this section, the  
8 court shall, if the victim is deceased, order that the restitu-  
9 tion be made to the victim's estate.

10 (9) Any order of restitution shall be as fair as possible to  
11 the victim or victim's estate without unduly complicating or pro-  
12 longing the sentencing process.

13 (10) The court shall not order restitution with respect to a  
14 loss for which the victim or victim's estate has received or is  
15 to receive compensation, including insurance, except that the  
16 court may, in the interest of justice, order restitution to the  
17 crime victims compensation board or to any individuals,  
18 ~~organizations,~~ partnerships, corporations, ~~or~~ ASSOCIATIONS,  
19 governmental entities, OR ANY OTHER LEGAL ENTITIES that have com-  
20 pensated the victim or victim's estate for such a loss to the  
21 extent of the compensation paid. An order of restitution shall  
22 require that all restitution to a victim or victim's estate under  
23 the order be made before any restitution to any other person  
24 under that order is made.

25 (11) Any amount paid to a victim or victim's estate under an  
26 order of restitution shall be set off against any amount later  
27 recovered as compensatory damages by the victim or the victim's

1 estate in any federal or state civil proceeding and shall reduce  
2 the amount payable to a victim or a victim's estate by an award  
3 from the crime victims compensation board made after an order of  
4 restitution under this section.

5 (12) If not otherwise provided by the court under this sub-  
6 section, restitution shall be made immediately. However, the  
7 court may require that the defendant make restitution under this  
8 section within a specified period or in specified installments.  
9 The end of the period or the last installment shall not be later  
10 than the following:

11 (a) The end of the period of probation, if probation is  
12 ordered.

13 (b) Two years after the end of imprisonment or discharge  
14 from parole, whichever occurs later, if the court does not order  
15 probation.

16 (c) Three years after the date of sentencing in any other  
17 case.

18 (13) If the defendant is placed on probation or paroled, any  
19 restitution ordered under this section shall be a condition of  
20 that probation or parole. The court may revoke probation and the  
21 parole board may revoke parole if the defendant fails to comply  
22 with the order and if the defendant has not made a good faith  
23 effort to comply with the order. In determining whether to  
24 revoke probation or parole, the court or parole board shall con-  
25 sider the defendant's employment status, earning ability, finan-  
26 cial resources, ~~and~~ the willfulness of the defendant's failure

1 to pay, and any other special circumstances that may have a  
2 bearing on the defendant's ability to pay.

3 (14) A defendant who is required to pay restitution and who  
4 is not in willful default of the payment of the restitution ~~at~~  
5 ~~any time,~~ may AT ANY TIME petition the sentencing judge or his  
6 or her successor for a cancellation of any unpaid portion of  
7 restitution. If it appears to the satisfaction of the court that  
8 payment of the amount due will impose a manifest hardship on the  
9 defendant or his or her immediate family, the court may cancel  
10 all or part of the amount due in restitution or modify the method  
11 of payment.

12 (15) An order of restitution may be enforced by the prose-  
13 cuting attorney or a victim or victim's estate named in the order  
14 to receive the restitution in the same manner as a judgment in a  
15 civil action.

16 (16) Notwithstanding any other provision of this section, a  
17 defendant shall not be imprisoned, jailed, or incarcerated for a  
18 violation of ~~parole or probation~~ PROBATION OR PAROLE, or other-  
19 wise, for failure to pay restitution as ordered under this sec-  
20 tion unless the court OR PAROLE BOARD determines that the  
21 defendant has the resources to pay the ordered restitution and  
22 has not made a good faith effort to do so.

23 (17) IF THE DEFENDANT IS A JUVENILE WHO IS UNABLE TO PAY ALL  
24 OF THE RESTITUTION ORDERED, AFTER NOTICE TO THE JUVENILE'S CUSTO-  
25 DIAL PARENT AND AN OPPORTUNITY FOR THE PARENT TO BE HEARD, THE  
26 COURT MAY ORDER THE CUSTODIAL PARENT TO PAY ALL OR PART OF THE  
27 UNPAID PORTION OF THE RESTITUTION ORDERED.

1 (18) IF THE COURT ORDERS THE CUSTODIAL PARENT TO PAY  
2 RESTITUTION UNDER SUBSECTION (17), THE COURT SHALL TAKE INTO  
3 ACCOUNT THE FINANCIAL RESOURCES OF THE PARENT AND THE BURDEN THAT  
4 THE PAYMENT OF RESTITUTION WILL IMPOSE, WITH DUE REGARD TO ANY  
5 OTHER MORAL OR LEGAL FINANCIAL OBLIGATION THAT THE PARENT MAY  
6 HAVE. IF THE PARENT IS REQUIRED TO PAY RESTITUTION UNDER  
7 SUBSECTION (17), THE COURT SHALL PROVIDE FOR PAYMENT TO BE MADE  
8 IN 1 LUMP SUM OR IN SPECIFIED INSTALLMENTS WITHIN A SPECIFIED  
9 PERIOD OF TIME.

10 (19) A PARENT WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER  
11 SUBSECTION (17) MAY PETITION THE COURT FOR A MODIFICATION OF THE  
12 AMOUNT OF RESTITUTION OWED OR FOR A CANCELLATION OF ANY UNPAID  
13 PORTION OF THE RESTITUTION. THE COURT SHALL CANCEL ALL OR PART  
14 OF THE AMOUNT OF RESTITUTION DUE IF IT APPEARS TO THE SATISFAC-  
15 TION OF THE COURT THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A  
16 MANIFEST HARDSHIP ON THE PARENT.

17 Sec. 18a. (1) Upon the request of the victim, the prosecut-  
18 ing attorney shall notify the victim of the following:

19 (a) That the defendant has filed an appeal of his or her  
20 conviction.

21 ~~(b) A brief explanation in plain English of the appeal pro-~~  
22 ~~cess, including the possible dispositions.~~

23 (B) ~~(c)~~ Whether the defendant has been released on bail or  
24 other recognizance pending the disposition of the appeal.

25 NOTIFICATION UNDER THIS SUBDIVISION SHALL BE GIVEN BY THE PROSE-  
26 CUTING ATTORNEY TO THE VICTIM WITHIN 12 HOURS AFTER THE  
27 PROSECUTING ATTORNEY IS NOTIFIED WHETHER THE DEFENDANT HAS BEEN

1 RELEASED ON BAIL OR OTHER RECOGNIZANCE BY ANY MEANS REASONABLY  
2 CALCULATED TO GIVE THE VICTIM PROMPT ACTUAL NOTICE.

3 (C) ~~(d)~~ The time and place of any appellate court proceed-  
4 ings and any changes in the time or place of those proceedings.

5 (D) ~~(e)~~ The result of the appeal. NOTIFICATION UNDER THIS  
6 SUBDIVISION SHALL BE GIVEN BY THE PROSECUTING ATTORNEY TO THE  
7 VICTIM WITHIN 12 HOURS AFTER THE PROSECUTING ATTORNEY IS NOTIFIED  
8 OF THE RESULT OF THE APPEAL UNDER SUBSECTION (2) BY ANY MEANS  
9 REASONABLY CALCULATED TO GIVE THE VICTIM PROMPT ACTUAL NOTICE.

10 (2) AT LEAST 24 HOURS BEFORE RELEASING INFORMATION REGARDING  
11 THE RESULTS OF AN APPEAL TO ANY PERSON OTHER THAN PERSONNEL OF A  
12 COURT OR THE DEFENDANT OR HIS OR HER ATTORNEY, THE COURT SHALL  
13 PROVIDE THAT INFORMATION TO THE PROSECUTING ATTORNEY.

14 (3) UPON THE REQUEST OF THE VICTIM, THE PROSECUTING ATTORNEY  
15 SHALL PROVIDE THE VICTIM WITH A BRIEF EXPLANATION IN PLAIN  
16 ENGLISH OF THE APPEAL PROCESS, INCLUDING THE POSSIBLE  
17 DISPOSITIONS.

18 (4) ~~(2) In the event~~ IF the defendant's conviction is  
19 reversed and the case is returned to the trial court for further  
20 proceedings, the victim shall have the same rights previously  
21 requested during the proceedings which led to the appeal.

22 Sec. 19. (1) Upon the ~~written~~ request of a victim of a  
23 crime, the sheriff or the department of corrections shall mail to  
24 the victim the following, as applicable, about a prisoner who has  
25 been sentenced to imprisonment under the jurisdiction of the  
26 sheriff or the department for commission of that crime:

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

8 (b) Notice of the transfer or pending transfer of the pris-  
9 oner to a minimum security facility and the address of that  
10 facility.

11 (c) Notice of the release or pending release of the prisoner  
12 in a community residential program, under extended furlough, or  
13 any other transfer of a prisoner to community status.

14 ~~(d) Notice of any reduction in the minimum sentence result-~~  
15 ~~ing under the prison overcrowding emergency powers act, Act~~  
16 ~~No. 519 of the Public Acts of 1980, being sections 800.71 to~~  
17 ~~800.79 of the Michigan Compiled Laws.~~

18 (D) ~~(e)~~ Notice of the escape of the person accused, con-  
19 victed, or imprisoned for committing a crime against the victim,  
20 as provided in section 20.

21 (E) ~~(f)~~ Notice of the victim's right to address or submit  
22 a written statement for consideration by a parole board member or  
23 a member of any other panel having authority over the prisoner's  
24 release on parole, as provided in section 21.

25 (F) ~~(g)~~ Notice of the decision of the parole board, or any  
26 other panel having authority over the prisoner's release on  
27 parole, after a parole review, as provided in section 21(3).

1 (G) ~~(h)~~ Notice of the release of a prisoner 90 days before  
2 the date of the prisoner's discharge from prison where practical,  
3 unless the notice has been otherwise provided under this  
4 article.

5 (H) ~~(i)~~ Notice of a public hearing pursuant to section 44  
6 of Act No. 232 of the Public Acts of 1953, being section 791.244  
7 of the Michigan Compiled Laws, regarding a reprieve, commutation,  
8 or pardon of the prisoner's sentence by the governor.

9 (I) ~~(j)~~ Notice that a reprieve, commutation, or pardon has  
10 been granted.

11 (2) A victim's address and telephone number maintained by a  
12 sheriff or the department of corrections pursuant to a request  
13 for notice under subsection (1) ~~shall be~~ IS exempt from disclo-  
14 sure under the freedom of information act, Act No. 442 of the  
15 Public Acts of 1976, being sections 15.231 to 15.246 of the  
16 Michigan Compiled Laws.

17 (3) IMMEDIATELY AFTER THE PRISONER IS SENTENCED, THE PROSE-  
18 CUTING ATTORNEY SHALL NOTIFY THE SHERIFF AND THE DEPARTMENT OF  
19 CORRECTIONS THAT THE VICTIM HAS REQUESTED TO RECEIVE NOTICE UNDER  
20 THIS SECTION AND SHALL PROVIDE THE SHERIFF AND THE DEPARTMENT OF  
21 CORRECTIONS THE VICTIM'S NAME AND ADDRESS.

22 SEC. 20A. (1) UPON REQUEST, THE DEPARTMENT OF SOCIAL SERV-  
23 ICES SHALL MAKE A GOOD FAITH EFFORT TO NOTIFY THE VICTIM BEFORE  
24 EITHER OF THE FOLLOWING OCCURS:

25 (A) A JUVENILE IS DISMISSED FROM COURT JURISDICTION OR DIS-  
26 CHARGED FROM THE DEPARTMENT OF SOCIAL SERVICES JURISDICTION.

1 (B) A JUVENILE IS TRANSFERRED FROM A SECURE JUVENILE  
2 FACILITY TO A NONSECURE JUVENILE FACILITY.

3 (2) IF THE DEPARTMENT OF SOCIAL SERVICES IS NOT SUCCESSFUL  
4 IN NOTIFYING THE VICTIM BEFORE AN EVENT DESCRIBED IN  
5 SUBSECTION (1)(A) OR (B) OCCURS, THE DEPARTMENT OF SOCIAL SERV-  
6 ICES SHALL NOTIFY THE VICTIM AS SOON AS POSSIBLE AFTER THE OCCUR-  
7 RENCE OF THE EVENT DESCRIBED IN SUBSECTION (1)(A) OR (B).

8 (3) UPON THE VICTIM'S REQUEST, THE DEPARTMENT OF SOCIAL  
9 SERVICES SHALL GIVE TO THE VICTIM NOTICE OF A JUVENILE'S ESCAPE.  
10 A VICTIM WHO REQUESTS NOTICE OF AN ESCAPE SHALL BE GIVEN IMMEDI-  
11 ATE NOTICE OF THE ESCAPE BY ANY MEANS REASONABLY CALCULATED TO  
12 GIVE PROMPT ACTUAL NOTICE. IF THE ESCAPE OCCURS BEFORE THE JUVE-  
13 NILE IS DELIVERED TO THE DEPARTMENT OF SOCIAL SERVICES, THE  
14 AGENCY IN CHARGE OF THE JUVENILE'S DETENTION SHALL GIVE NOTICE OF  
15 THE ESCAPE TO THE DEPARTMENT OF SOCIAL SERVICES, WHICH SHALL THEN  
16 GIVE NOTICE OF THE ESCAPE TO THE VICTIM WHO REQUESTED NOTICE.

17 SEC. 20B. UPON THE VICTIM'S REQUEST, THE PROSECUTING ATTOR-  
18 NEY SHALL GIVE THE VICTIM NOTICE OF A REVIEW HEARING CONDUCTED  
19 PURSUANT TO SECTION 1B OF CHAPTER IX OF THE CODE OF CRIMINAL PRO-  
20 CEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION  
21 769.1B OF THE MICHIGAN COMPILED LAWS. THE VICTIM HAS THE RIGHT  
22 TO MAKE A STATEMENT AT THE HEARING, SUBMIT A WRITTEN STATEMENT  
23 FOR USE AT THE HEARING, OR BOTH.

24 SEC. 22A. IF A DEFENDANT APPLIES TO HAVE A CONVICTION FOR  
25 AN ASSAULTIVE CRIME SET ASIDE UNDER ACT NO. 213 OF THE PUBLIC  
26 ACTS OF 1965, BEING SECTIONS 780.621 TO 780.624 OF THE MICHIGAN  
27 COMPILED LAWS, THE PROSECUTING ATTORNEY SHALL NOTIFY THE VICTIM

1 OF THE ASSAULTIVE CRIME IN WRITING OF THE APPLICATION AND FORWARD  
2 A COPY OF THE APPLICATION TO THE VICTIM. THE NOTICE SHALL BE BY  
3 FIRST-CLASS MAIL TO THE VICTIM'S LAST KNOWN ADDRESS. THE VICTIM  
4 HAS THE RIGHT TO APPEAR AT ANY PROCEEDING UNDER ACT NO. 213 OF  
5 THE PUBLIC ACTS OF 1965 CONCERNING THAT CONVICTION AND MAKE A  
6 WRITTEN OR ORAL STATEMENT. AS USED IN THIS SECTION, "ASSAULTIVE  
7 CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF CHAPTER X OF  
8 THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF  
9 1927, BEING SECTION 770.9A OF THE MICHIGAN COMPILED LAWS.

10 Sec. 31. (1) As used in this article:

11 (a) "Court" means the juvenile division of the probate  
12 court.

13 (b) "Juvenile" means a child within the jurisdiction of the  
14 juvenile division of the probate court pursuant to section  
15 2(a)(1) of chapter XIIIA of Act No. 288 of the Public Acts of  
16 1939, being section 712A.2 of the Michigan Compiled Laws, for an  
17 offense.

18 (c) "JUVENILE FACILITY" MEANS A COUNTY FACILITY, AN INSTITU-  
19 TION OPERATED AS AN AGENCY OF THE COUNTY OR THE JUVENILE DIVISION  
20 OF THE PROBATE COURT, OR A STATE INSTITUTION OR AGENCY DESCRIBED  
21 IN THE YOUTH REHABILITATION SERVICES ACT, ACT NO. 150 OF THE  
22 PUBLIC ACTS OF 1974, BEING SECTIONS 803.301 TO 803.309 OF THE  
23 MICHIGAN COMPILED LAWS.

24 (D) ~~(e)~~ "Offense" means 1 OR MORE of the following:

25 (i) A violation of a penal law of this state for which a  
26 juvenile offender, if convicted as an adult, may be punished by

1 imprisonment for more than 1 year, or an offense expressly  
2 designated by law to be a felony.

3 (ii) A violation of section 81, 81a, 115, 136B(5), 145a,  
4 234, ~~or~~ 235 OR 335A of the Michigan penal code, Act No. 328 of  
5 the Public Acts of 1931, being sections 750.81, 750.81a, 750.115,  
6 750.136B, 750.145a, 750.234, ~~and~~ 750.235, AND 750.335A of the  
7 Michigan Compiled Laws.

8 (iii) A violation of section 617a OF THE MICHIGAN VEHICLE  
9 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION  
10 257.617A OF THE MICHIGAN COMPILED LAWS, or A VIOLATION OF SECTION  
11 625 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS  
12 OF 1949, BEING SECTION 257.625 OF THE MICHIGAN COMPILED LAWS, if  
13 the violation involves an accident resulting in DAMAGE TO ANOTHER  
14 INDIVIDUAL'S PROPERTY OR PHYSICAL injury OR DEATH to ~~another's~~  
15 ~~person, section 625 or 625b of the Michigan vehicle code, Act~~  
16 ~~No. 300 of the Public Acts of 1949, being sections 257.617a,~~  
17 ~~257.625, and 257.625b of the Michigan Compiled Laws~~ ANOTHER  
18 INDIVIDUAL.

19 (iv) SELLING OR FURNISHING ALCOHOLIC LIQUOR TO AN INDIVIDUAL  
20 LESS THAN 21 YEARS OF AGE IN VIOLATION OF SECTION 33 OF THE  
21 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF  
22 THE PUBLIC ACTS OF 1933, BEING SECTION 436.33 OF THE MICHIGAN  
23 COMPILED LAWS, IF THE VIOLATION RESULTS IN SERIOUS PHYSICAL OR  
24 MENTAL INJURY OR DEATH TO ANY INDIVIDUAL.

25 (v) ~~(iv)~~ A violation of a local ordinance substantially  
26 corresponding to a violation enumerated in subparagraphs (i) to  
27 ~~(iii)~~ (iv).

1 (vi) A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (v) THAT  
2 IS SUBSEQUENTLY REDUCED TO A VIOLATION NOT INCLUDED IN SUBPARA-  
3 GRAPHS (i) TO (v).

4 (E) ~~(d)~~ "Person" means an individual, organization, part-  
5 nership, corporation, or governmental entity.

6 (F) ~~(e)~~ "Prosecuting attorney" means the prosecuting  
7 attorney for a county, an assistant prosecuting attorney for a  
8 county, the attorney general, the deputy attorney general, an  
9 assistant attorney general, a special prosecuting attorney, ~~and~~  
10 OR in connection with the prosecution of an ordinance violation,  
11 an attorney for the political subdivision that enacted the ordi-  
12 nance upon which the violation is based.

13 (G) ~~(f)~~ "Victim", except for the purposes of section 44,  
14 means any of the following:

15 (i) A person who suffers direct or threatened physical,  
16 financial, or emotional harm as a result of the commission of an  
17 offense, except as provided in subparagraph (ii), (iii), or  
18 (iv).

19 (ii) The following relations of a deceased victim if the  
20 relation is not the juvenile offender:

21 (A) The spouse.

22 (B) A child 15 years of age or older if subparagraph (A)  
23 does not apply.

24 (C) A parent if subparagraphs (A) and (B) do not apply.

25 (D) A sibling if subparagraphs (A) to (C) do not apply.

26 (E) A grandparent if subparagraphs (A) to (D) do not apply.

1 (iii) A parent, guardian, or custodian of a victim who is  
 2 less than 18 years of age if the parent, guardian, or custodian  
 3 so chooses.

4 (iv) A parent, guardian, or custodian of a victim who is so  
 5 mentally incapacitated that he or she cannot meaningfully under-  
 6 stand or participate in the legal process.

7 (2) If a victim as defined in subsection ~~(1)(f)(i)~~  
 8 (1)(G)(i) is physically unable to exercise the privileges and  
 9 rights under this article, the victim may designate his or her  
 10 spouse or a child 15 years of age or older, parent, sibling, or  
 11 grandparent of the victim to act in place of the victim during  
 12 the duration of the physical disability. During the physical  
 13 disability, notices to be provided under this article to the  
 14 victim shall continue to be sent only to the victim.

15 Sec. 32. Within 24 hours after the initial contact between  
 16 the victim of a reported offense and the law enforcement agency  
 17 having the responsibility for investigating that offense, that  
 18 agency shall give to the victim the following information IN  
 19 WRITING:

20 (a) The availability of emergency and medical services, if  
 21 applicable.

22 (b) The availability of victim's compensation benefits and  
 23 the address of the crime victims compensation board.

24 (c) The address and ~~phone~~ TELEPHONE number of the prose-  
 25 cuting attorney whom the victim should contact to obtain informa-  
 26 tion about victim's rights.

1 (d) The following statement:

2 "If ~~within 6 months~~ you are not notified of an arrest in  
3 your case, you may call ~~{the~~ THIS law enforcement ~~agency's~~  
4 ~~telephone number}~~ AGENCY for the status of the case."

5 (E) THE LAW ENFORCEMENT AGENCY'S TELEPHONE NUMBER.

6 Sec. 35. (1) If the juvenile has been placed in a  
7 ~~detention~~ JUVENILE facility, not later than 24 hours after the  
8 preliminary hearing of that juvenile for a juvenile offense, the  
9 ~~court~~ PROSECUTING ATTORNEY OR, PURSUANT TO AN AGREEMENT UNDER  
10 SECTION 48A, THE COURT shall give to the victim the phone number  
11 of the ~~detention~~ JUVENILE facility and notice that the victim  
12 may contact the ~~detention~~ JUVENILE facility to determine  
13 whether the juvenile has been released from custody.

14 (2) Based upon the victim's affidavit asserting acts or  
15 threats of physical violence or intimidation by the juvenile or  
16 at the juvenile's direction against the victim or the victim's  
17 immediate family, the prosecuting attorney may move that the  
18 juvenile be ~~placed in detention~~ DETAINED IN A JUVENILE  
19 FACILITY.

20 Sec. 36. (1) Within 72 hours after the ~~investigating~~  
21 ~~agency~~ PROSECUTING ATTORNEY files ~~a complaint~~ or submits a  
22 petition seeking to invoke the court's jurisdiction for a juve-  
23 nile offense, the ~~court~~ PROSECUTING ATTORNEY OR, PURSUANT TO AN  
24 AGREEMENT UNDER SECTION 48A, THE COURT shall give to each victim  
25 a written notice in plain English of each of the following:

26 (a) A brief statement of the procedural steps in the  
27 processing of a juvenile offense case, including the fact that a

1 juvenile may be waived to the court of general criminal  
2 jurisdiction.

3 (b) ~~The~~ A SPECIFIC LIST OF THE rights and procedures under  
4 this article.

5 (c) Details and eligibility requirements under Act No. 223  
6 of the Public Acts of 1976, being sections 18.351 to 18.368 of  
7 the Michigan Compiled Laws.

8 (d) Suggested procedures if the victim is subjected to  
9 threats or intimidation.

10 (e) The person to contact for further information.

11 (2) If requested by the victim, the ~~court~~ PROSECUTING  
12 ATTORNEY OR, PURSUANT TO AN AGREEMENT UNDER SECTION 48A, THE  
13 COURT shall give to the victim notice of any scheduled court pro-  
14 ceedings and notice of any changes in that schedule.

15 (3) If the ~~prosecuting attorney makes an appearance in the~~  
16 ~~case~~ JUVENILE HAS NOT ALREADY ENTERED A PLEA OF GUILTY OR NOLO  
17 CONTENDERE TO THE ORIGINAL CHARGE AT THE PRELIMINARY HEARING, the  
18 prosecuting attorney shall offer the victim the opportunity to  
19 consult with the prosecuting attorney to obtain the victim's  
20 views about the disposition of ~~a juvenile~~ THE offense, includ-  
21 ing the victim's views about dismissal, waiver, and ~~disposition~~  
22 ~~negotiations~~ PRETRIAL DIVERSION PROGRAMS, BEFORE FINALIZING ANY  
23 AGREEMENT TO REDUCE THE ORIGINAL CHARGE.

24 (4) BEFORE PLACING A JUVENILE IN A PRETRIAL DIVERSION PRO-  
25 GRAM FOR COMMITTING A VIOLATION THAT IF COMMITTED BY AN ADULT  
26 WOULD BE A CRIME OR A SERIOUS MISDEMEANOR, THE COURT SHALL  
27 PROVIDE THE VICTIM WITH AN OPPORTUNITY TO BE HEARD REGARDING THAT

1 PLACEMENT. THE VICTIM HAS THE RIGHT TO MAKE A STATEMENT AT THE  
2 HEARING, SUBMIT A WRITTEN STATEMENT, OR BOTH. AS USED IN THIS  
3 SUBSECTION:

4 (A) "CRIME" MEANS THAT TERM AS DEFINED IN SECTION 2.

5 (B) "SERIOUS MISDEMEANOR" MEANS THAT TERM AS DEFINED IN SEC-  
6 TION 61.

7 (5) ~~(4)~~ The victim who receives a notice under  
8 subsection (1) and who chooses to receive any other notice or  
9 notices under this article shall keep the following persons  
10 informed of the victim's current address and phone number:

11 (a) The ~~court~~ PROSECUTING ATTORNEY OR, PURSUANT TO AN  
12 AGREEMENT UNDER SECTION 48A, THE COURT.

13 (b) If the juvenile is made a ward of the state, the depart-  
14 ment of social services.

15 Sec. 43. (1) The victim shall have the right to appear and  
16 make an oral impact statement at the disposition of the  
17 juvenile.

18 (2) Upon request, the victim shall be notified by the  
19 ~~court~~ PROSECUTING ATTORNEY OR, PURSUANT TO AN AGREEMENT UNDER  
20 SECTION 48A, THE COURT of the disposition of the juvenile's  
21 offense not more than 14 days after the disposition is made.

22 Sec. 44. (1) For purposes of this section only, "victim"  
23 means an individual who suffers direct or threatened physical,  
24 financial, or emotional harm as a result of the commission of an  
25 offense. ~~and for~~ FOR purposes of subsections (2), (4), (7),  
26 (9), (10), (11), and (15), "victim" includes a ~~sole~~  
27 ~~proprietorship,~~ partnership, ~~or~~ corporation, ASSOCIATION,

1 GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY THAT SUFFERS DIRECT  
2 PHYSICAL OR FINANCIAL HARM AS A RESULT OF THE COMMISSION OF AN  
3 OFFENSE.

4 (2) The court, at the dispositional hearing for a juvenile  
5 offense, may order, in addition to or in lieu of any other dispo-  
6 sition authorized by law, that the juvenile make restitution to  
7 any victim or victim's estate of the juvenile's course of conduct  
8 ~~which~~ THAT gives rise to the disposition.

9 (3) If the court does not order restitution, or orders only  
10 partial restitution under this section, the court shall state on  
11 the record the reasons for that action.

12 (4) If a juvenile offense results in damage to or loss or  
13 destruction of property of a victim of the offense, the order of  
14 restitution may require that the juvenile do either of the  
15 following:

16 (a) Return the property to the owner of the property or to a  
17 person designated by the owner.

18 (b) If return of the property under subdivision (a) is  
19 impossible, impractical, or inadequate, pay an amount equal to  
20 the greater of ~~subparagraphs~~ SUBPARAGRAPH (i) or (ii), less the  
21 value, determined as of the date the property is returned, of  
22 that property or any part of the property that is returned:

23 (i) The value of the property on the date of the damage,  
24 loss, or destruction.

25 (ii) The value of the property on the date of disposition.

26 (5) If a juvenile offense results in physical or  
27 psychological injury to a victim, the order of restitution may

1 require that the juvenile do 1 or more of the following, as  
2 applicable:

3 (a) Pay an amount equal to the cost of actual medical and  
4 related professional services and devices relating to physical  
5 and psychological care.

6 (b) Pay an amount equal to the cost of actual physical and  
7 occupational therapy and rehabilitation.

8 (c) Reimburse the victim or the victim's estate for  
9 after-tax income loss suffered by the victim as a result of the  
10 offense.

11 (d) Pay an amount equal to the cost of psychological and  
12 medical treatment for members of the victim's family ~~which~~ THAT  
13 has been incurred as a result of the offense.

14 (6) If a juvenile offense resulting in bodily injury also  
15 results in the death of a victim, the order of restitution may  
16 require that the juvenile pay an amount equal to the cost of  
17 actual funeral and related services.

18 (7) Instead of restitution under subsections (4) to (6), if  
19 the victim or victim's estate consents, the order of restitution  
20 may require that the juvenile make restitution in services in  
21 lieu of money, or make restitution to a person designated by the  
22 victim or victim's estate if that person provided services to the  
23 victim as a result of the offense.

24 (8) If the court orders restitution under this section, the  
25 court shall, if the victim is deceased, order that the restitu-  
26 tion be made to the victim's estate.

1 (9) Any order of restitution shall be as fair as possible to  
2 the victim or victim's estate without unduly complicating or  
3 prolonging the disposition process.

4 (10) The court shall not order restitution with respect to a  
5 loss for which the victim or victim's estate has received or is  
6 to receive compensation, including insurance, except that the  
7 court may, in the interest of justice, order restitution to the  
8 crime victims compensation board or to any individuals,  
9 ~~organizations,~~ partnerships, corporations, ~~or~~ ASSOCIATIONS,  
10 governmental entities, OR ANY OTHER LEGAL ENTITIES that have com-  
11 pensated the victim or victim's estate for such a loss to the  
12 extent of the compensation paid. An order of restitution shall  
13 require that all restitution to a victim or victim's estate under  
14 the order be made before any restitution to any other person  
15 under that order is made.

16 (11) Any amount paid to a victim or victim's estate under an  
17 order of restitution shall be set off against any amount later  
18 recovered as compensatory damages by the victim or the victim's  
19 estate in any federal or state civil proceeding and shall reduce  
20 the amount payable to a victim or a victim's estate by an award  
21 from the crime victims compensation board made after an order of  
22 restitution under this section.

23 (12) If not otherwise provided by the court under this sub-  
24 section, restitution shall be made immediately. However, the  
25 court may require that the juvenile make restitution under this  
26 section within a specified period or in specified installments.

1 The end of the period or the last installment shall not be later  
2 than the following:

3 (a) The end of the period of probation, if probation is  
4 ordered.

5 (b) If the juvenile is made a state ward, when the depart-  
6 ment of social services' jurisdiction over the juvenile expires.

7 (c) If the juvenile is made a ward of the court, when the  
8 court's jurisdiction over the juvenile expires.

9 (d) Three years after the date of disposition or when the  
10 court's jurisdiction over the juvenile expires, whichever is  
11 later.

12 (13) If the juvenile is placed on probation, any restitution  
13 ordered under this section shall be a condition of that  
14 probation. The court may revoke probation if the juvenile fails  
15 to comply with the order and if the juvenile has not made a good  
16 faith effort to comply with the order. In determining whether to  
17 revoke probation, the court shall consider the juvenile's employ-  
18 ment status, earning ability, financial resources, ~~and~~ the  
19 willfulness of the juvenile's failure to pay, and any other spe-  
20 cial circumstances that may have a bearing on the juvenile's  
21 ability to pay.

22 (14) A juvenile who is required to pay restitution and who  
23 is not in willful default of the payment of the restitution ~~at~~  
24 ~~any time,~~ may AT ANY TIME petition the court for a cancellation  
25 of any unpaid portion of restitution. If it appears to the sat-  
26 isfaction of the court that payment of the amount due will impose  
27 a manifest hardship on the juvenile or his or her immediate

1 family, the court may cancel all or part of the amount due in  
2 restitution or modify the method of payment.

3 (15) An order of restitution may be enforced by the prose-  
4 cutting attorney or a victim or victim's estate named in the order  
5 to receive the restitution in the same manner as a judgment in a  
6 civil action.

7 (16) Notwithstanding any other provision of this section, a  
8 juvenile shall not be detained for a violation of probation, or  
9 otherwise, for failure to pay restitution as ordered under this  
10 section unless the court determines that the juvenile has the  
11 resources to pay the ordered restitution and has not made a good  
12 faith effort to do so.

13 (17) If the juvenile is unable to pay all of the restitution  
14 ordered, after notice to the juvenile's custodial parent and an  
15 opportunity for the parent to be heard, the court may order the  
16 custodial parent to pay all or part of the unpaid portion of the  
17 restitution ordered. The amount of restitution the parent is  
18 ordered to pay under this subsection shall not exceed \$2,500.00.

19 (18) If the court orders the custodial parent to pay resti-  
20 tution under subsection (17), the court shall take into account  
21 the financial resources of the parent and the burden that the  
22 payment of restitution will impose, with due regard to any other  
23 moral or legal financial obligations that the parent may have.  
24 If a parent is required to pay restitution under subsection (17),  
25 the court shall provide for payment to be made in specified  
26 installments and within a specified period of time.

1 (19) A parent who has been ordered to pay restitution under  
2 subsection (17) may petition the court for a modification of the  
3 amount of restitution owed or for a cancellation of any unpaid  
4 portion of the restitution. The court shall cancel all or part  
5 of the amount of restitution due, if it appears to the satisfac-  
6 tion of the court that payment of the amount due will impose a  
7 manifest hardship on the parent.

8 Sec. 46. (1) Upon the request of the victim, the prosecut-  
9 ing attorney shall notify the victim of the following:

10 (a) That the juvenile has filed an appeal of his or her  
11 adjudication.

12 ~~(b) A brief explanation in plain English of the appeal pro-~~  
13 ~~cess, including the possible dispositions.~~

14 (B) ~~(e)~~ Whether the juvenile has been released on bail or  
15 other recognizance pending the disposition of the appeal.

16 NOTIFICATION UNDER THIS SUBDIVISION SHALL BE GIVEN BY THE PROSE-  
17 CUTING ATTORNEY TO THE VICTIM WITHIN 12 HOURS AFTER THE PROSECUT-  
18 ING ATTORNEY IS NOTIFIED WHETHER THE DEFENDANT HAS BEEN RELEASED  
19 ON BAIL OR OTHER RECOGNIZANCE BY ANY MEANS REASONABLY CALCULATED  
20 TO GIVE THE VICTIM PROMPT ACTUAL NOTICE.

21 (C) ~~(d)~~ The time and place of any appellate court proceed-  
22 ings and any changes in the time or place of those proceedings.

23 (D) ~~(e)~~ The result of the appeal. NOTIFICATION UNDER THIS  
24 SUBDIVISION SHALL BE GIVEN BY THE PROSECUTING ATTORNEY TO THE  
25 VICTIM WITHIN 12 HOURS AFTER THE PROSECUTING ATTORNEY IS NOTIFIED  
26 OF THE RESULTS OF THE APPEAL UNDER SUBSECTION (2), BY ANY MEANS  
27 REASONABLY CALCULATED TO GIVE PROMPT ACTUAL NOTICE.

1 (2) AT LEAST 24 HOURS BEFORE RELEASING INFORMATION REGARDING  
2 THE RESULTS OF AN APPEAL TO ANY PERSON OTHER THAN PERSONNEL OF A  
3 COURT OR THE DEFENDANT OR HIS OR HER ATTORNEY, THE COURT SHALL  
4 PROVIDE THAT INFORMATION TO THE PROSECUTING ATTORNEY.

5 (3) UPON THE REQUEST OF THE VICTIM, THE PROSECUTING ATTORNEY  
6 SHALL PROVIDE THE VICTIM WITH A BRIEF EXPLANATION IN PLAIN  
7 ENGLISH OF THE APPEAL PROCESS, INCLUDING THE POSSIBLE  
8 DISPOSITIONS.

9 (4) ~~-(2)-~~ In the event the juvenile's adjudication is  
10 reversed and the case is returned to the trial court for further  
11 proceedings, the victim shall have the same rights previously  
12 requested during the proceedings which led to the appeal.

13 Sec. 48. (1) Upon request, the court or the department of  
14 social services shall make a good faith effort to notify the  
15 victim before either of the following occurs:

16 (a) The juvenile is dismissed from court jurisdiction or  
17 discharged from the department of social services jurisdiction.

18 (b) The juvenile is transferred from a secure ~~detention or~~  
19 ~~treatment~~ JUVENILE facility to a nonsecure ~~residential~~  
20 ~~treatment~~ JUVENILE facility. ~~located in the county in which the~~  
21 ~~victim resides.~~

22 (2) If the court or department of social services is not  
23 successful in notifying the victim before AN EVENT DESCRIBED IN  
24 subsection (1)(a) or (b) occurs, the court or department of  
25 social services shall notify the victim as soon as possible after  
26 the occurrence of THE EVENT DESCRIBED IN subsection (1)(a) or  
27 (b).

1 (3) Upon the victim's request, the department of social  
2 services or the court shall give to the victim notice of a  
3 juvenile's escape from a secure detention or treatment facility.  
4 A victim who requests notice of an escape shall be given immedi-  
5 ate notice of the escape by any means reasonably calculated to  
6 give prompt actual notice.

7 (4) UPON THE VICTIM'S REQUEST, THE PROSECUTING ATTORNEY  
8 SHALL GIVE THE VICTIM NOTICE OF A REVIEW HEARING CONDUCTED PURSU-  
9 ANT TO SECTION 18 OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC  
10 ACTS OF 1939, BEING SECTION 712A.18 OF THE MICHIGAN COMPILED  
11 LAWS. THE VICTIM HAS THE RIGHT TO MAKE A STATEMENT AT THE HEAR-  
12 ING, SUBMIT A WRITTEN STATEMENT FOR USE AT THE HEARING, OR BOTH.

13 SEC. 48A. THE COURT MAY PERFORM THE NOTIFICATION FUNCTIONS  
14 DELEGATED TO THE PROSECUTING ATTORNEY UNDER THIS ARTICLE IF BOTH  
15 OF THE FOLLOWING CIRCUMSTANCES EXIST:

16 (A) THE PROSECUTING ATTORNEY ALLOWS THE COURT TO PERFORM  
17 THOSE FUNCTIONS PURSUANT TO A WRITTEN AGREEMENT.

18 (B) THE COURT PERFORMED THOSE FUNCTIONS BEFORE THE EFFECTIVE  
19 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

20 Sec. 61. (1) As used in this article:

21 (a) "Serious misdemeanor" means 1 OR MORE of the following:  
22 ~~misdemeanors:~~

23 (i) A violation of section 81 of the Michigan penal code,  
24 Act No. 328 of the Public Acts of 1931, being section 750.81 of  
25 the Michigan Compiled Laws, assault and battery.

1           (ii) A violation of section 81a of Act No. 328 of the Public  
2 Acts of 1931, being section 750.81a of the Michigan Compiled  
3 Laws, assault; infliction of serious injury.

4           (iii) A violation of section 115 of Act No. 328 of the  
5 Public Acts of 1931, being section 750.115 of the Michigan  
6 Compiled Laws, breaking and entering or illegal entry.

7           (iv) A VIOLATION OF SECTION 136B(5) OF THE MICHIGAN PENAL  
8 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION  
9 750.135B OF THE MICHIGAN COMPILED LAWS, CHILD ABUSE IN THE FOURTH  
10 DEGREE.

11          (v) ~~(iv)~~ A violation of section 145a of Act No. 328 of the  
12 Public Acts of 1931, being section 750.145a of the Michigan  
13 Compiled Laws, enticing a child for immoral purposes.

14          (vi) ~~(v)~~ A violation of section 234 of Act No. 328 of the  
15 Public Acts of 1931, being section 750.234 of the Michigan  
16 Compiled Laws, discharge of a firearm intentionally aimed at a  
17 person.

18          (vii) ~~(vi)~~ A violation of section 235 of Act No. 328 of  
19 the Public Acts of 1931, being section 750.235 of the Michigan  
20 Compiled Laws, discharge of an intentionally aimed firearm  
21 resulting in injury.

22          (viii) A VIOLATION OF SECTION 335A OF ACT NO. 328 OF THE  
23 PUBLIC ACTS OF 1931, BEING SECTION 750.335A OF THE MICHIGAN  
24 COMPILED LAWS, INDECENT EXPOSURE.

25          (ix) ~~(vii)~~ A violation of section 617a of the Michigan  
26 vehicle code, Act No. 300 of the Public Acts of 1949, being

1 section 257.617a of the Michigan Compiled Laws, leaving the scene  
2 of a personal injury accident.

3 (x) ~~(viii)~~ A violation of section 625 ~~or 625b~~ of Act  
4 No. 300 of the Public Acts of 1949, being ~~sections~~ SECTION  
5 257.625 ~~and 257.625b~~ of the Michigan Compiled Laws, operating a  
6 vehicle while under the influence of or impaired by alcohol or a  
7 controlled substance, OR WITH AN UNLAWFUL BLOOD ALCOHOL CONTENT,  
8 if the violation involves an accident resulting in DAMAGE TO  
9 ANOTHER INDIVIDUAL'S PROPERTY OR PHYSICAL injury OR DEATH to  
10 ~~another's person~~ ANOTHER INDIVIDUAL.

11 (xi) SELLING OR FURNISHING ALCOHOLIC LIQUOR TO AN INDIVIDUAL  
12 LESS THAN 21 YEARS OF AGE IN VIOLATION OF SECTION 33 OF THE  
13 MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE EXTRA SESSION OF  
14 THE PUBLIC ACTS OF 1933, BEING SECTION 436.33 OF THE MICHIGAN  
15 COMPILED LAWS, IF THE VIOLATION RESULTS IN SERIOUS PHYSICAL OR  
16 MENTAL INJURY OR DEATH TO ANY INDIVIDUAL.

17 (xii) ~~(ix)~~ A violation of a local ordinance substantially  
18 corresponding to a violation enumerated in subparagraphs (i) to  
19 ~~(viii)~~ (xi).

20 (xiii) A VIOLATION CHARGED AS A CRIME OR SERIOUS MISDEMEANOR  
21 BUT SUBSEQUENTLY REDUCED TO OR PLEAD TO AS A MISDEMEANOR. AS  
22 USED IN THIS SUBPARAGRAPH, "CRIME" MEANS THAT TERM AS DEFINED IN  
23 SECTION 2.

24 (b) "Defendant" means a person charged with or convicted of  
25 having committed a serious misdemeanor against a victim.

26 (c) "Final disposition" means the ultimate termination of  
27 the criminal prosecution of a defendant including, but not

1 limited to, dismissal, acquittal, or imposition of a sentence by  
2 the court.

3 (d) "Person" means an individual, organization, partnership,  
4 corporation, or governmental entity.

5 (e) "Prisoner" means a person who has been convicted and  
6 sentenced to imprisonment for having committed a serious misde-  
7 meanor against a victim.

8 (f) "Prosecuting attorney" means the prosecuting attorney  
9 for a county, an assistant prosecuting attorney for a county, the  
10 attorney general, the deputy attorney general, an assistant  
11 attorney general, a special prosecuting attorney, ~~and~~ OR, in  
12 connection with the prosecution of an ordinance violation, an  
13 attorney for the political subdivision that enacted the ordinance  
14 upon which the violation is based.

15 (g) "Victim", except for purposes of section 76, means any  
16 of the following:

17 (i) An individual who suffers direct or threatened physical,  
18 financial, or emotional harm as a result of the commission of a  
19 serious misdemeanor, except as provided in subparagraph (ii),  
20 (iii), or (iv).

21 (ii) The following relations of a deceased victim if the  
22 relation is not the defendant:

23 (A) The spouse.

24 (B) A child 15 years of age or older if subparagraph (A)  
25 does not apply.

26 (C) A parent if subparagraphs (A) and (B) do not apply.

1 (D) A sibling if subparagraphs (A) to (C) do not apply.

2 (E) A grandparent if subparagraphs (A) to (D) do not apply.

3 (iii) A parent, guardian, or custodian of a victim who is  
4 less than 18 years of age if the parent, guardian, or custodian  
5 so chooses.

6 (iv) A parent, guardian, or custodian of a victim who is so  
7 mentally incapacitated that he or she cannot meaningfully under-  
8 stand or participate in the legal process.

9 (2) If a victim as defined in subsection (1)(g)(i) is physi-  
10 cally unable to exercise the privileges and rights under this  
11 article, the victim may designate his or her spouse or a child 15  
12 years of age or older, parent, sibling, or grandparent of the  
13 victim to act in place of the victim during the duration of the  
14 physical disability. The victim shall inform the prosecuting  
15 attorney of who is to act in place of the victim. During the  
16 physical disability, notices to be provided under this article to  
17 the victim shall continue to be sent only to the victim.

18 (3) An individual who is charged with a serious misdemeanor  
19 or a crime as defined in ~~article 1~~ SECTION 2 arising out of the  
20 same transaction from which the charge against the defendant  
21 arose is not eligible to exercise the privileges and rights  
22 established for victims under this article.

23 Sec. 63. Within 24 hours after the initial contact between  
24 the victim of a reported serious misdemeanor and the law enforce-  
25 ment agency having the responsibility for investigating that  
26 serious misdemeanor, that agency shall give to the victim the  
27 following information IN WRITING:

1 (a) The availability of emergency and medical services, if  
2 applicable.

3 (b) The availability of victim's compensation benefits and  
4 the address of the crime victims compensation board.

5 (c) The address and ~~phone~~ TELEPHONE number of the prose-  
6 cuting attorney whom the victim should contact to obtain informa-  
7 tion about victim's rights.

8 (d) The following statement:

9 "If ~~within 6 months,~~ you are not notified of an arrest in  
10 your case, you may call ~~[the~~ THIS law enforcement ~~agency's~~  
11 ~~telephone number]~~ AGENCY for the status of the case."

12 (E) THE LAW ENFORCEMENT AGENCY'S TELEPHONE NUMBER.

13 Sec. 66. (1) If a plea of guilty or nolo contendere is  
14 accepted by the court at the time of the arraignment of the  
15 defendant for a serious misdemeanor, the court shall notify the  
16 prosecuting attorney of the plea and the date of sentencing  
17 within 48 hours after the arraignment. If no guilty or nolo con-  
18 tendere plea is accepted at the arraignment and further proceed-  
19 ings will be scheduled, the court shall ~~also~~ SO notify the  
20 prosecuting attorney within 48 hours after the arraignment. A  
21 notice to the prosecuting attorney under this subsection shall  
22 include the name, address, and phone number of the victim. THE  
23 NOTICE SHALL NOT BE A MATTER OF PUBLIC RECORD. Within 48 hours  
24 after receiving this notice, the prosecuting attorney shall give  
25 to each victim a written notice in plain English of each of the  
26 following:

1 (a) A brief statement of the procedural steps in the  
2 processing of a misdemeanor case, including pretrial  
3 conferences.

4 (b) ~~The~~ A SPECIFIC LIST OF THE rights and procedures under  
5 this article.

6 (c) Details and eligibility requirements under Act No. 223  
7 of the Public Acts of 1976, being sections 18.351 to 18.368 of  
8 the Michigan Compiled Laws.

9 (d) Suggested procedures if the victim is subjected to  
10 threats or intimidation.

11 (e) The person to contact for further information.

12 (2) If requested by the victim, the prosecuting attorney  
13 shall give to the victim notice of any scheduled court proceed-  
14 ings and notice of any changes in that schedule.

15 (3) If the defendant has not already entered a plea of  
16 guilty or nolo contendere at the arraignment, the prosecuting  
17 attorney shall offer the victim the opportunity to consult with  
18 the prosecuting attorney to obtain the views of the victim about  
19 the disposition of the serious misdemeanor, including the  
20 victim's views about dismissal, plea or sentence negotiations,  
21 and pretrial diversion programs BEFORE FINALIZING ANY NEGOTIATION  
22 THAT MAY RESULT IN A DISMISSAL, PLEA OR SENTENCE BARGAIN, OR PRE-  
23 TRIAL DIVERSION.

24 (4) If the case against the defendant is dismissed at any  
25 time, the prosecuting attorney shall notify the victim of the  
26 dismissal within 48 hours.

1 (5) A victim who receives a notice under subsection (1) or  
2 (2) and who chooses to receive any other notice or notices under  
3 this article shall keep the following persons informed of the  
4 victim's current address and phone number:

5 (a) The prosecuting attorney, until final disposition or  
6 completion of the appellate process, whichever occurs later.

7 (b) The sheriff, if the defendant is imprisoned for more  
8 than 92 days.

9 Sec. 76. (1) As used in this section:

10 (a) "Victim" means an individual who suffers actual finan-  
11 cial loss or expense as a result of the commission of a  
12 misdemeanor. ~~and for~~ FOR purposes of subsections (2), (3),  
13 (4), (6), (8), (9), and (10), victim includes a ~~sole~~  
14 ~~proprietorship~~, partnership, ~~or~~ corporation, ASSOCIATION, GOV-  
15 ERNMENTAL ENTITY, OR ANY OTHER LEGAL ENTITY THAT SUFFERS ACTUAL  
16 FINANCIAL LOSES OR EXPENSE AS A RESULT OF THE COMMISSION OF A  
17 FELONY.

18 (b) "Misdemeanor" means a violation of a law of this state,  
19 or of a local ordinance substantially corresponding to a law of  
20 this state, that is punishable by imprisonment for not more than  
21 1 year or by a fine that is not a civil fine, but is not a  
22 felony.

23 (2) The court, when sentencing a defendant convicted of a  
24 misdemeanor, may order, in addition to or in lieu of any other  
25 penalty authorized by law, or in addition to any other penalty  
26 required by law, that the defendant make restitution to any

1 victim of the defendant's course of conduct that gives rise to  
2 the conviction or to the victim's estate.

3 (3) If the court does not order restitution, or orders only  
4 partial restitution under this section, the court shall state on  
5 the record the reasons for that action.

6 (4) If a misdemeanor results in damage to or loss or  
7 destruction of property of a victim of the offense, the order of  
8 restitution may require that the defendant do either of the  
9 following:

10 (a) Return the property to the owner of the property or to a  
11 person designated by the owner.

12 (b) If return of the property under subdivision (a) is  
13 impossible, impractical, or inadequate, pay an amount equal to  
14 the greater of ~~subparagraphs~~ SUBPARAGRAPH (i) or (ii), less the  
15 value, determined as of the date the property is returned, of  
16 that property or any part of the property that is returned:

17 (i) The value of the property on the date of the damage,  
18 loss, or destruction.

19 (ii) The value of the property on the date of sentencing.

20 (5) If a misdemeanor results in physical injury to a victim,  
21 the order of restitution may require that the defendant do 1 or  
22 more of the following, as applicable:

23 (a) Pay an amount equal to the cost of the victim's actual  
24 medical and related professional services and devices relating to  
25 the physical care.

26 (b) Pay an amount equal to the cost of the victim's actual  
27 physical and occupational therapy and rehabilitation.

1 (c) Reimburse the victim or the victim's estate for  
2 after-tax income loss suffered by the victim as a result of the  
3 offense.

4 (6) Instead of restitution under subsections (4) and (5), if  
5 the victim or victim's estate consents, the order of restitution  
6 may require that the defendant make restitution in services in  
7 lieu of money, or make restitution to a person designated by the  
8 victim or victim's estate if that person provided services to the  
9 victim as a result of the misdemeanor.

10 (7) If the court orders restitution under this section, the  
11 court shall, if the victim is deceased, order that the restitu-  
12 tion be made to the victim's estate.

13 (8) Any order of restitution shall be as fair as possible to  
14 the victim or victim's estate without unduly complicating or pro-  
15 longing the sentencing process.

16 (9) The court shall not order restitution with respect to a  
17 loss for which the victim or victim's estate has received or is  
18 to receive compensation, including insurance, except that the  
19 court may, in the interest of justice, order restitution to the  
20 crime victims compensation board or to any individuals,  
21 ~~organizations,~~ partnerships, corporations, ~~or~~ ASSOCIATIONS,  
22 governmental entities, OR ANY OTHER LEGAL ENTITIES that have com-  
23 pensated the victim or victim's estate for such a loss to the  
24 extent of the compensation paid. An order of restitution shall  
25 require that all restitution to a victim or victim's estate under  
26 the order be made before any restitution to any other person  
27 under that order is made.

1 (10) Any amount paid to a victim or victim's estate under an  
2 order of restitution shall be set off against any amount later  
3 recovered as compensatory damages by the victim or the victim's  
4 estate in any federal or state civil proceeding and shall reduce  
5 the amount payable to a victim or a victim's estate by an award  
6 from the crime victims compensation board made after an order of  
7 restitution under this section.

8 (11) If not otherwise provided by the court under this sub-  
9 section, restitution shall be made immediately. However, the  
10 court may require that the defendant make restitution under this  
11 section within a specified period or in specified installments.

12 (12) In determining the amount of restitution, the court  
13 shall consider the defendant's earning ability, financial  
14 resources, and any other special circumstances that may have a  
15 bearing on the defendant's ability to pay.

16 SEC. 77A. IF A DEFENDANT APPLIES TO HAVE A CONVICTION FOR  
17 AN ASSAULTIVE CRIME SET ASIDE UNDER ACT NO. 213 OF THE PUBLIC  
18 ACTS OF 1965, BEING SECTIONS 780.621 TO 780.624 OF THE MICHIGAN  
19 COMPILED LAWS, THE PROSECUTING ATTORNEY SHALL NOTIFY THE VICTIM  
20 OF THE ASSAULTIVE CRIME IN WRITING OF THE APPLICATION AND FORWARD  
21 A COPY OF THE APPLICATION TO THE VICTIM. THE NOTICE SHALL BE BY  
22 FIRST-CLASS MAIL TO THE VICTIM'S LAST KNOWN ADDRESS. THE VICTIM  
23 HAS THE RIGHT TO APPEAR AT ANY PROCEEDING UNDER ACT NO. 213 OF  
24 THE PUBLIC ACTS OF 1965 CONCERNING THAT CONVICTION AND MAKE A  
25 WRITTEN OR ORAL STATEMENT. AS USED IN THIS SECTION, "ASSAULTIVE  
26 CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF CHAPTER X OF

1 THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE PUBLIC ACTS OF  
2 1927, BEING SECTION 770.9A OF THE MICHIGAN COMPILED LAWS.

3 Sec. 78. (1) Upon the request of the victim, the prosecut-  
4 ing attorney shall notify the victim of the following:

5 (a) That the defendant has filed an appeal of his or her  
6 conviction.

7 ~~(b) A brief explanation in plain English of the appeal pro-~~  
8 ~~cess, including the possible dispositions.~~

9 (B) ~~(e)~~ Whether the defendant has been released on bail or  
10 other recognizance pending the disposition of the appeal.

11 NOTIFICATION UNDER THIS SUBDIVISION SHALL BE GIVEN BY THE PROSE-  
12 CUTING ATTORNEY TO THE VICTIM WITHIN 12 HOURS AFTER THE PROSECUT-  
13 ING ATTORNEY IS NOTIFIED WHETHER THE DEFENDANT HAS BEEN RELEASED  
14 ON BAIL OR OTHER RECOGNIZANCE BY ANY MEANS REASONABLY CALCULATED  
15 TO GIVE THE VICTIM PROMPT ACTUAL NOTICE.

16 (C) ~~(d)~~ The time and place of any appellate court proceed-  
17 ings and any changes in the time or place of those proceedings.

18 (D) ~~(e)~~ The result of the appeal. NOTIFICATION UNDER THIS  
19 SUBDIVISION SHALL BE GIVEN BY THE PROSECUTING ATTORNEY TO THE  
20 VICTIM WITHIN 12 HOURS AFTER THE PROSECUTING ATTORNEY IS NOTIFIED  
21 OF THE RESULT OF THE APPEAL UNDER SUBSECTION (2), BY ANY MEANS  
22 REASONABLY CALCULATED TO GIVE THE VICTIM PROMPT ACTUAL NOTICE.

23 (2) AT LEAST 24 HOURS BEFORE RELEASING INFORMATION REGARDING  
24 THE RESULTS OF AN APPEAL TO ANY PERSON OTHER THAN PERSONNEL OF A  
25 COURT OR THE DEFENDANT OR HIS OR HER ATTORNEY, THE COURT SHALL  
26 PROVIDE THAT INFORMATION TO THE PROSECUTING ATTORNEY.

1 (3) UPON THE REQUEST OF THE VICTIM, THE PROSECUTING ATTORNEY  
2 SHALL PROVIDE THE VICTIM WITH A BRIEF EXPLANATION IN PLAIN  
3 ENGLISH OF THE APPEAL PROCESS, INCLUDING THE POSSIBLE  
4 DISPOSITIONS.

5 (4) ~~(2) In the event~~ IF the defendant's conviction is  
6 reversed and the case is returned to the trial court for further  
7 proceedings, the victim shall have the same rights previously  
8 requested during the proceedings which led to the appeal.

9 SEC. 78A. (1) UPON THE REQUEST OF A VICTIM OF A SERIOUS  
10 MISDEMEANOR, THE SHERIFF SHALL MAIL TO THE VICTIM THE FOLLOWING,  
11 AS APPLICABLE, ABOUT A PRISONER WHO HAS BEEN SENTENCED TO IMPRIS-  
12 ONMENT UNDER THE JURISDICTION OF THE SHERIFF FOR COMMISSION OF  
13 THAT MISDEMEANOR:

14 (A) WITHIN 30 DAYS AFTER THE REQUEST, NOTICE OF THE  
15 SHERIFF'S CALCULATION OF THE EARLIEST RELEASE DATE OF THE PRISON-  
16 ER, WITH ALL POTENTIAL GOOD TIME OR DISCIPLINARY CREDITS CONSID-  
17 ERED IF THE SENTENCE OF IMPRISONMENT EXCEEDS 90 DAYS. THE VICTIM  
18 MAY REQUEST 1-TIME ONLY NOTICE OF THE CALCULATION DESCRIBED IN  
19 THIS SUBDIVISION.

20 (B) NOTICE OF THE ESCAPE OF THE PERSON ACCUSED, CONVICTED,  
21 OR IMPRISONED FOR COMMITTING A MISDEMEANOR AGAINST THE VICTIM, AS  
22 PROVIDED IN SECTION 78B.

23 (2) IMMEDIATELY AFTER THE PRISONER IS SENTENCED, THE PROSE-  
24 CUTING ATTORNEY SHALL NOTIFY THE SHERIFF THAT THE VICTIM HAS  
25 REQUESTED TO RECEIVE NOTICE UNDER THIS SECTION AND SHALL PROVIDE  
26 THE SHERIFF THE VICTIM'S NAME AND ADDRESS.

1           SEC. 78B. (1) AS PROVIDED IN SUBSECTION (2) OR (3), A  
2 VICTIM WHO REQUESTS NOTICE OF THE ESCAPE AND THE PROSECUTING  
3 ATTORNEY WHO IS PROSECUTING OR HAS PROSECUTED THE SERIOUS MISDE-  
4 MEANOR FOR WHICH THE PERSON IS DETAINED OR UNDER SENTENCE SHALL  
5 BE GIVEN IMMEDIATE NOTICE OF THE ESCAPE OF THE PERSON ACCUSED,  
6 CONVICTED, OR IMPRISONED FOR COMMITTING A SERIOUS MISDEMEANOR  
7 AGAINST THE VICTIM. THE NOTICE SHALL BE GIVEN BY ANY MEANS REA-  
8 SONABLY CALCULATED TO GIVE PROMPT ACTUAL NOTICE.

9           (2) IF THE ESCAPE OCCURS BEFORE THE SENTENCE IS EXECUTED OR  
10 BEFORE THE DEFENDANT IS DELIVERED TO THE SHERIFF, THE CHIEF LAW  
11 ENFORCEMENT OFFICER OF THE AGENCY IN CHARGE OF THE PERSON'S  
12 DETENTION SHALL GIVE NOTICE OF THE ESCAPE TO THE PROSECUTING  
13 ATTORNEY, WHO SHALL THEN GIVE NOTICE OF THE ESCAPE TO A VICTIM  
14 WHO REQUESTED NOTICE.

15           (3) IF THE DEFENDANT IS CONFINED PURSUANT TO A SENTENCE, THE  
16 NOTICE SHALL BE GIVEN BY THE CHIEF ADMINISTRATOR OF THE PLACE IN  
17 WHICH THE PRISONER IS CONFINED.