



HOUSE BILL No. 4097

January 17, 1995, Introduced by Rep. Profit and referred to the Committee on Judiciary and Civil Rights.

A bill to amend the title and sections 19 and 21 of Act No. 87 of the Public Acts of 1985, entitled as amended "Crime victim's rights act," section 19 as amended by Act No. 21 of the Public Acts of 1988, being sections 780.769 and 780.771 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 19 and 21 of Act No. 87
2 of the Public Acts of 1985, section 19 as amended by Act No. 21
3 of the Public Acts of 1988, being sections 780.769 and 780.771 of
4 the Michigan Compiled Laws, are amended to read as follows:

TITLE

5
6 An act to establish the rights of victims of crime and
7 juvenile offenses AND THE RIGHTS OF CERTAIN OTHER PERSONS; to
8 provide for certain procedures; to establish certain immunities

1 and duties; to limit convicted criminals from deriving profit
2 under certain circumstances; to prohibit certain conduct of
3 employers or employers' agents toward victims; and to provide for
4 penalties and remedies.

5 Sec. 19. (1) Upon the written request of a victim of a
6 crime, the sheriff or the department of corrections shall mail to
7 the victim the following, as applicable, about a prisoner who has
8 been sentenced to imprisonment under the jurisdiction of the
9 sheriff or the department for commission of that crime:

10 (a) Within 30 days after the request, notice of the
11 sheriff's calculation of the earliest release date of the prison-
12 er, or the department's calculation of the earliest parole eligi-
13 bility date of the prisoner, with all potential good time or dis-
14 ciplinary credits considered if the sentence of imprisonment
15 exceeds 90 days. The victim may request 1-time only notice of
16 the calculation described in this subdivision.

17 (b) Notice of the transfer or pending transfer of the pris-
18 oner to a minimum security facility and the address of that
19 facility.

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

23 ~~(d) Notice of any reduction in the minimum sentence result-~~
24 ~~ing under the prison overcrowding emergency powers act, Act~~
25 ~~No. 519 of the Public Acts of 1980, being sections 800.71 to~~
26 ~~800.79 of the Michigan Compiled Laws.~~

1 (D) ~~(e)~~ Notice of the escape of the person accused,
2 convicted, or imprisoned for committing a crime against the
3 victim, as provided in section 20.

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

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

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

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

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

21 (2) A victim's address and telephone number maintained by a
22 sheriff or the department of corrections pursuant to a request
23 for notice under subsection (1) shall be exempt from disclosure
24 under the freedom of information act, Act No. 442 of the Public
25 Acts of 1976, being sections 15.231 to 15.246 of the Michigan
26 Compiled Laws.

1 (3) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
2 THAT ADDED THIS SUBSECTION, A PERSON OTHER THAN A VICTIM OF A
3 CRIME MAY SUBMIT A WRITTEN REQUEST IN THE MANNER PRESCRIBED IN
4 SUBSECTION (1), AND SHALL BE ENTITLED TO RECEIVE THE SAME NOTICES
5 THAT ARE REQUIRED TO BE MAILED TO THE VICTIM OF THE CRIME. THE
6 REQUEST SHALL SPECIFY THE NAME OF THE PRISONER ABOUT WHOM THE
7 PERSON WISHES TO RECEIVE NOTICE, AND THE PERSON'S NAME AND
8 ADDRESS.

9 Sec. 21. (1) A victim ~~shall have~~ HAS the right to address
10 or submit a written statement for consideration by a parole board
11 member or a member of any other panel having authority over the
12 prisoner's release on parole.

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

19 (3) A victim shall receive notice of the decision of the
20 board or panel and, if applicable, notice of the date of the
21 prisoner's release on parole. Notice shall be mailed within a
22 reasonable time after the board or panel reaches its decision but
23 not later than 14 days after the board or panel has reached its
24 decision.

25 (4) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
26 THAT ADDED THIS SUBSECTION, A PERSON OTHER THAN THE VICTIM OF A
27 CRIME, IF HE OR SHE SUBMITTED A WRITTEN REQUEST FOR NOTICE AS TO

1 A PRISONER UNDER SECTION 19(3), HAS THE SAME RIGHTS AS A VICTIM
2 UNDER THIS SECTION AS TO THE PAROLE CONSIDERATION OF THE PRISONER
3 DESIGNATED BY THAT PERSON IN THE WRITTEN REQUEST.