

HOUSE BILL No. 5853

May 13, 1998, Introduced by Rep. Law and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled
"Crime victim's rights act,"
by amending the title and sections 13a, 18a, 19, 20, 20a, 35, 36,
41a, 46, 48, 66, 78, 78a, 78b, and 79 (MCL 780.763a, 780.768a,
780.769, 780.770, 780.770a, 780.785, 780.786, 780.791a, 780.796,
780.798, 780.816, 780.828, 780.828a, 780.828b, and 780.829), sec-
tions 13a, 20a, 41a, and 78b as added and sections 18a, 35, 36,
46, 66, and 78 as amended by 1993 PA 341, sections 19, 48, and
78a as amended by 1996 PA 105, and section 79 as added by 1988 PA
21, and by adding section 12a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to establish the rights of victims of crime and
3 juvenile offenses; to provide for certain procedures; TO IMPOSE
4 CERTAIN DUTIES ON CERTAIN STATE AND LOCAL OFFICIALS AND ENTITIES;

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

5 SEC. 12A. (1) THE DEPARTMENT OF CORRECTIONS SHALL CREATE
6 AND MAINTAIN A COMPUTERIZED DATABASE TO PROVIDE VICTIMS WITH
7 NOTICE UNDER THIS ACT REGARDING THE CUSTODY AND CHANGE IN CUSTODY
8 OF PRISONERS AND DETAINEES.

9 (2) IF A VICTIM HAS REQUESTED NOTICE UNDER THIS ACT OF THE
10 CUSTODY STATUS OR CHANGE IN CUSTODY STATUS OF A PRISONER OR
11 DETAINEE, THE DEPARTMENT OF CORRECTIONS SHALL IMMEDIATELY NOTIFY
12 THAT VICTIM OF THAT CUSTODY STATUS OR CHANGE IN CUSTODY STATUS
13 UPON NOTIFICATION TO THE DEPARTMENT OF CORRECTIONS UNDER SUBSEC-
14 TION (4). THE DEPARTMENT SHALL ALSO MAKE IMMEDIATELY AVAILABLE
15 TO OTHER MEMBERS OF THE PUBLIC THROUGH THE USE OF A TOLL-FREE
16 TELEPHONE NUMBER OR THE INTERNET INFORMATION REGARDING THE CUS-
17 TODY STATUS OR CHANGE IN CUSTODY STATUS OF PRISONERS AND
18 DETAINEES.

19 (3) AN INDIVIDUAL OR ENTITY THAT IS REQUIRED UNDER THIS ACT
20 TO PROVIDE NOTICE TO THE DEPARTMENT OF CORRECTIONS REGARDING THE
21 CUSTODY STATUS OR CHANGE IN CUSTODY STATUS OF PRISONERS OR
22 DETAINEES SHALL PROMPTLY PROVIDE INFORMATION TO THE DEPARTMENT OF
23 CORRECTIONS REGARDING THAT CUSTODY STATUS OR CHANGE IN CUSTODY
24 STATUS AS PRESCRIBED BY THE DEPARTMENT OF CORRECTIONS.

25 (4) THE DEPARTMENT OF CORRECTIONS MAY PROMULGATE RULES TO
26 IMPLEMENT THIS SECTION.

1 Sec. 13a. When a defendant is sentenced to a term of
2 imprisonment or ordered to be placed in a juvenile facility, the
3 prosecuting attorney shall provide the victim with a form the
4 victim may submit to receive the notices provided for under
5 section 19 or 20a. The form shall include the address of the
6 department of corrections ~~, the sheriff, or the department of~~
7 ~~social services, as applicable,~~ to which the form may be sent.

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

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

12 ~~(b) Whether the defendant has been ordered released on bail~~
13 ~~or other recognizance pending the disposition of the appeal. If~~
14 ~~the prosecuting attorney is notified that the defendant has been~~
15 ~~ordered released on bail or other recognizance pending disposi-~~
16 ~~tion of the appeal, the prosecuting attorney shall use any means~~
17 ~~reasonably calculated to give the victim notice of that order~~
18 ~~within 24 hours after the prosecuting attorney is notified of the~~
19 ~~order.~~

20 (B) ~~(c)~~ The time and place of any appellate court proceed-
21 ings and any changes in the time or place of those proceedings.

22 (C) ~~(d)~~ The result of the appeal. If the prosecuting
23 attorney is notified that the conviction is ordered reversed or
24 the case is remanded for further proceedings, the prosecuting
25 attorney shall use any means reasonably calculated to give the
26 victim notice of that order within 24 hours after the prosecuting
27 attorney is notified of the order.

1 (2) If the prosecuting attorney is not successful in
2 notifying the victim of an event described in subsection (1)
3 within the period set forth in that subsection for notification,
4 the prosecuting attorney shall notify the victim of that event as
5 soon as possible by any means reasonably calculated to give the
6 victim prompt actual notice.

7 (3) Upon the request of the victim, the prosecuting attorney
8 shall provide the victim with a brief explanation in plain
9 English of the appeal process, including the possible
10 dispositions.

11 (4) If the defendant's conviction is reversed and the case
12 is returned to the trial court for further proceedings, the
13 victim shall have the same rights previously requested during the
14 proceedings which led to the appeal.

15 Sec. 19. (1) Upon the written request of a victim of a
16 crime, the ~~sheriff or the~~ department of corrections shall
17 ~~mail~~ PROVIDE to the victim the following INFORMATION, as appli-
18 cable, about a prisoner who IS DETAINED BEFORE TRIAL OR has been
19 sentenced to imprisonment under the jurisdiction of ~~the~~ A
20 COUNTY sheriff or the department for commission of that crime:

21 (a) Within 30 days after the request, notice of the COUNTY
22 sheriff's calculation of the earliest release date of the prison-
23 er, or the department's calculation of the earliest parole eligi-
24 bility date of the prisoner, with all potential good time or dis-
25 ciplinary credits considered if the sentence of imprisonment
26 exceeds 90 days. The victim may request 1-time only notice of
27 the calculation described in this subdivision.

1 (b) Notice of the transfer or pending transfer of the
2 prisoner to a minimum security facility and the address of that
3 facility.

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

7 (d) Notice of the escape of the person accused, convicted,
8 or imprisoned for committing a crime against the victim, as pro-
9 vided in section 20.

10 (e) Notice of the victim's right to address or submit a
11 written statement for consideration by a parole board member or a
12 member of any other panel having authority over the prisoner's
13 release on parole, as provided in section 21.

14 (f) Notice of the decision of the parole board, or any other
15 panel having authority over the prisoner's release on parole,
16 after a parole review, as provided in section 21(3).

17 (g) Notice of the release of a prisoner 90 days before the
18 date of the prisoner's discharge from prison if practical, unless
19 the notice has been otherwise provided under this article.

20 (h) Notice of a public hearing under section 44 of ~~Act~~
21 ~~No. 232 of the Public Acts of 1953, being section 791.244 of the~~
22 ~~Michigan Compiled Laws~~ 1953 PA 232, MCL 791.244, regarding a
23 reprieve, commutation, or pardon of the prisoner's sentence by
24 the governor.

25 (i) Notice that a reprieve, commutation, or pardon has been
26 granted.

1 (j) Notice that a prisoner has had his or her name legally
2 changed while on parole or within 2 years of release from
3 parole.

4 (K) NOTICE THAT A PRISONER HAS BEEN ORDERED RELEASED ON BAIL
5 OR OTHER RECOGNIZANCE.

6 (2) A victim's address and telephone number maintained by ~~a~~
7 ~~sheriff or~~ the department of corrections pursuant to a request
8 for notice under subsection (1) is exempt from disclosure under
9 the freedom of information act, ~~Act No. 442 of the Public Acts~~
10 ~~of 1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
11 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

12 Sec. 20. (1) As provided in subsection (2) or (3), a victim
13 who requests notice of the escape and the prosecuting attorney
14 who is prosecuting or has prosecuted the crime for which the
15 person is detained or under sentence shall be given immediate
16 notice of the escape of the person accused, convicted, or impris-
17 oned for committing a crime against the victim. The notice shall
18 be given by any means reasonably calculated to give prompt actual
19 notice.

20 (2) If the escape occurs before the sentence is executed or
21 before the defendant is delivered to the department of correc-
22 tions, the chief law enforcement officer of the agency in charge
23 of the person's detention shall give notice of the escape to the
24 ~~prosecuting attorney~~ DEPARTMENT OF CORRECTIONS, who shall then
25 give notice of the escape to THE PROSECUTING ATTORNEY AND TO a
26 victim who requested notice.

1 (3) ~~If the defendant is confined pursuant to a sentence,~~
2 ~~the~~ THE notice TO THE DEPARTMENT OF CORRECTIONS shall be given
3 by the chief administrator of the place in which the prisoner is
4 confined.

5 Sec. 20a. (1) Upon written request of a victim of a crime,
6 the department of ~~social services~~ CORRECTIONS shall make a good
7 faith effort to notify the victim before either of the following
8 occurs:

9 (a) A juvenile is dismissed from court jurisdiction or dis-
10 charged from the department of ~~social services~~ CORRECTIONS
11 jurisdiction.

12 (b) A juvenile is transferred from a secure juvenile facil-
13 ity to a nonsecure juvenile facility.

14 (c) A JUVENILE IS RELEASED ON BAIL OR RECOGNIZANCE.

15 (2) If the department of ~~social services~~ CORRECTIONS is
16 not successful in notifying the victim before an event described
17 in subsection (1)(a) or (b) occurs, the department of ~~social~~
18 ~~services~~ CORRECTIONS shall notify the victim as soon as possible
19 after the occurrence of the event described in subsection (1)(a)
20 or (b) by any means reasonably calculated to give prompt actual
21 notice.

22 (3) Upon the victim's written request, the department of
23 ~~social services~~ CORRECTIONS shall give to the victim notice of
24 a juvenile's escape. A victim who requests notice of an escape
25 shall be given immediate notice of the escape by any means rea-
26 sonably calculated to give prompt actual notice. If the escape
27 occurs before the juvenile is delivered to the department of

1 ~~social services~~ CORRECTIONS, the agency in charge of the
2 juvenile's detention shall give notice of the escape to the
3 department of ~~social services~~ CORRECTIONS, which shall then
4 give notice of the escape to the victim who requested notice.

5 Sec. 35. (1) If the juvenile has been placed in a juvenile
6 facility, not later than 48 hours after the preliminary hearing
7 of that juvenile for a juvenile offense, the prosecuting attorney
8 or, pursuant to an agreement under section 48a, the court shall
9 give to the victim the telephone number of the ~~juvenile~~
10 ~~facility~~ DEPARTMENT OF CORRECTIONS and notice that the victim
11 may contact the ~~juvenile facility~~ DEPARTMENT OF CORRECTIONS to
12 determine whether the juvenile has been released from custody.

13 (2) Based upon any credible evidence of acts or threats of
14 physical violence or intimidation by the juvenile or at the
15 juvenile's direction against the victim or the victim's immediate
16 family, the prosecuting attorney may move that the juvenile be
17 detained in a juvenile facility.

18 Sec. 36. (1) Within 72 hours after the prosecuting attorney
19 files or submits a petition seeking to invoke the court's juris-
20 diction for a juvenile offense, the prosecuting attorney or, pur-
21 suant to an agreement under section 48a, the court shall give to
22 each victim a written notice in plain English of each of the
23 following:

24 (a) A brief statement of the procedural steps in the pro-
25 cessing of a juvenile offense case, including the fact that a
26 juvenile may be waived to the court of general criminal
27 jurisdiction.

1 (b) A specific list of the rights and procedures under this
2 article.

3 (c) Details and eligibility requirements under ~~Act No. 223~~
4 ~~of the Public Acts of 1976, being sections 18.351 to 18.368 of~~
5 ~~the Michigan Compiled Laws~~ 1976 PA 223, MCL 18.351 TO 18.368.

6 (d) Suggested procedures if the victim is subjected to
7 threats or intimidation.

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

9 (2) If requested by the victim, the prosecuting attorney or,
10 pursuant to an agreement under section 48a, the court shall give
11 to the victim notice of any scheduled court proceedings and
12 notice of any changes in that schedule.

13 (3) If the juvenile has not already entered a plea of admis-
14 sion or no contest to the original charge at the preliminary
15 hearing, the prosecuting attorney shall offer the victim the
16 opportunity to consult with the prosecuting attorney to obtain
17 the victim's views about the disposition of the offense, includ-
18 ing the victim's views about dismissal, waiver, and pretrial
19 diversion programs, before finalizing any agreement to reduce the
20 original charge.

21 (4) Before placing a juvenile in a pretrial diversion pro-
22 gram for committing a violation that if committed by an adult
23 would be a crime or a serious misdemeanor, the court shall pro-
24 vide the victim with an opportunity to be heard regarding that
25 placement. The victim has the right to make a statement at the
26 hearing, submit a written statement, or both. As used in this
27 subsection:

(a) "Crime" means that term as defined in section 2.

(b) "Serious misdemeanor" means that term as defined in section 61.

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

(a) The prosecuting attorney, or the court if the prosecuting attorney and the court have entered into an agreement under section 48a.

(b) If the juvenile is made a ward of the state, the ~~department of social services~~ FAMILY INDEPENDENCE AGENCY.

(c) THE DEPARTMENT OF CORRECTIONS.

Sec. 41a. When a juvenile is ordered to be placed in a juvenile facility, the prosecuting attorney or, pursuant to an agreement under section 48a, the court, shall provide the victim with a form the victim may submit to receive the notices from the department of ~~social services~~ CORRECTIONS provided for under section 48. The form shall include the address of the department of ~~social services~~ CORRECTIONS to which the form may be sent.

Sec. 46. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

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

~~(b) Whether the juvenile has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the juvenile has been~~

~~1 ordered released on bail or other recognizance pending
2 disposition of the appeal, the prosecuting attorney shall use any
3 means reasonably calculated to give the victim notice of that
4 order within 24 hours after the prosecuting attorney is notified
5 of the order.~~

6 (B) ~~(c)~~ The time and place of any appellate court proceed-
7 ings and any changes in the time or place of those proceedings.

8 (C) ~~(d)~~ The result of the appeal. If the prosecuting
9 attorney is notified that the disposition is ordered reversed or
10 the case is remanded for further proceedings, the prosecuting
11 attorney shall use any means reasonably calculated to give the
12 victim notice of that order within 24 hours after the prosecuting
13 attorney is notified of the order.

14 (2) If the prosecuting attorney is not successful in notify-
15 ing the victim of an event described in subsection (1) within the
16 period set forth in that subsection for notification, the prose-
17 cuting attorney shall notify the victim of that event as soon as
18 possible by any means reasonably calculated to give the victim
19 prompt actual notice.

20 (3) Upon the request of the victim, the prosecuting attorney
21 shall provide the victim with a brief explanation in plain
22 English of the appeal process, including the possible
23 dispositions.

24 (4) In the event the juvenile's adjudication or order of
25 disposition is reversed and the case is returned to the trial
26 court for further proceedings, the victim shall have the same

1 rights previously requested during the proceedings which led to
2 the appeal.

3 Sec. 48. (1) Upon written request, the court or the depart-
4 ment of ~~social services~~ CORRECTIONS shall make a good faith
5 effort to notify the victim before any of the following ~~occurs~~
6 OCCUR:

7 (a) The juvenile is dismissed from court jurisdiction or
8 discharged from the department of ~~social services~~ CORRECTIONS
9 jurisdiction.

10 (b) The juvenile is transferred from a secure juvenile
11 facility to a nonsecure juvenile facility.

12 (c) The juvenile has his or her name legally changed while
13 under the jurisdiction of the probate court or within 2 years of
14 discharge from the jurisdiction of the probate court.

15 (D) THE JUVENILE IS RELEASED ON BAIL OR RECOGNIZANCE.

16 (2) If the ~~court or~~ department of ~~social services~~
17 CORRECTIONS is not successful in notifying the victim before an
18 event described in subsection (1)(a), (b), or (c) occurs, the
19 ~~court or~~ department of ~~social services~~ CORRECTIONS shall
20 notify the victim as soon as possible after the occurrence of the
21 event described in subsection (1)(a), (b), or (c).

22 (3) Upon the victim's written request, the department of
23 ~~social services or the court~~ CORRECTIONS shall give to the
24 victim notice of a juvenile's escape from a secure detention or
25 treatment facility. A victim who requests notice of an escape
26 shall be given immediate notice of the escape by any means
27 reasonably calculated to give prompt actual notice.

1 (4) Upon the victim's request, the prosecuting attorney
2 shall give the victim notice of a review hearing conducted under
3 section 18 of chapter XIIIA of ~~Act No. 288 of the Public Acts of~~
4 ~~1939, being section 712A.18 of the Michigan Compiled Laws~~ 1939
5 PA 288, MCL 712A.18. The victim has the right to make a state-
6 ment at the hearing, submit a written statement for use at the
7 hearing, or both.

8 Sec. 66. (1) If a plea of guilty or nolo contendere is
9 accepted by the court at the time of the arraignment of the
10 defendant for a serious misdemeanor, the court shall notify the
11 prosecuting attorney of the plea and the date of sentencing
12 within 48 hours after the arraignment. If no guilty or nolo con-
13 tendere plea is accepted at the arraignment and further proceed-
14 ings will be scheduled, the court shall so notify the prosecuting
15 attorney within 48 hours after the arraignment. A notice to the
16 prosecuting attorney under this subsection shall be on a separate
17 form and shall include the name, address, and telephone number of
18 the victim. The notice shall not be a matter of public record.
19 Within 48 hours after receiving this notice, the prosecuting
20 attorney shall give to each victim a written notice in plain
21 English of each of the following:

22 (a) A brief statement of the procedural steps in the pro-
23 cessing of a misdemeanor case, including pretrial conferences.

24 (b) A specific list of the rights and procedures under this
25 article.

1 (c) Details and eligibility requirements under ~~Act No. 223~~
2 ~~of the Public Acts of 1976, being sections 18.351 to 18.368 of~~
3 ~~the Michigan Compiled Laws~~ 1976 PA 223, MCL 18.351 TO 18.368.

4 (d) Suggested procedures if the victim is subjected to
5 threats or intimidation.

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

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

10 (3) If the defendant has not already entered a plea of
11 guilty or nolo contendere at the arraignment, the prosecuting
12 attorney shall offer the victim the opportunity to consult with
13 the prosecuting attorney to obtain the views of the victim about
14 the disposition of the serious misdemeanor, including the
15 victim's views about dismissal, plea or sentence negotiations,
16 and pretrial diversion programs before finalizing any negotiation
17 that may result in a dismissal, plea or sentence bargain, or pre-
18 trial diversion.

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

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

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

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

3 (C) THE DEPARTMENT OF CORRECTIONS.

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

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

8 ~~(b) Whether the defendant has been ordered released on bail~~
9 ~~or other recognizance pending the disposition of the appeal. If~~
10 ~~the prosecuting attorney is notified that the defendant has been~~
11 ~~ordered released on bail or other recognizance pending disposi-~~
12 ~~tion of the appeal, the prosecuting attorney shall use any means~~
13 ~~reasonably calculated to give the victim notice of that order~~
14 ~~within 24 hours after the prosecuting attorney is notified of the~~
15 ~~order.~~

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

18 (C) ~~(d)~~ The result of the appeal. If the prosecuting
19 attorney is notified that the conviction is ordered reversed or
20 the case is remanded for further proceedings, the prosecuting
21 attorney shall use any means reasonably calculated to give the
22 victim notice of that order within 24 hours after the prosecuting
23 attorney is notified of the order.

24 (2) If the prosecuting attorney is not successful in notify-
25 ing the victim of an event described in subsection (1) within the
26 period set forth in that subsection for notification, the
27 prosecuting attorney shall notify the victim of that event as

1 soon as possible by any means reasonably calculated to give the
2 victim prompt actual notice.

3 (3) Upon the request of the victim, the prosecuting attorney
4 shall provide the victim with a brief explanation in plain
5 English of the appeal process, including the possible
6 dispositions.

7 (4) If the defendant's conviction is reversed and the case
8 is returned to the trial court for further proceedings, the
9 victim shall have the same rights previously requested during the
10 proceedings which led to the appeal.

11 Sec. 78a. (1) Upon the written request of a victim of a
12 serious misdemeanor, the ~~sheriff~~ DEPARTMENT OF CORRECTIONS
13 shall ~~mail to~~ IMMEDIATELY NOTIFY the victim OF the following,
14 as applicable, about a prisoner who has been sentenced to impris-
15 onment OR PRE-TRIAL DETENTION under the jurisdiction of ~~the~~ A
16 COUNTY sheriff for commission of that serious misdemeanor:

17 (a) ~~Within 30 days after the request, notice~~ NOTICE of the
18 sheriff's calculation of the earliest release date of the prison-
19 er, with all potential good time or disciplinary credits consid-
20 ered if the sentence of imprisonment exceeds 90 days. The victim
21 may request 1-time only notice of the calculation described in
22 this subdivision.

23 (b) Notice of the escape of the person accused, convicted,
24 or imprisoned for committing a serious misdemeanor against the
25 victim, as provided in section 78b.

1 (c) Notice that a prisoner has had his or her name legally
2 changed while imprisoned in the county jail or within 2 years of
3 release from the county jail.

4 (D) NOTICE THAT A PRISONER HAS BEEN ORDERED RELEASED ON BAIL
5 OR OTHER RECOGNIZANCE.

6 (2) When a defendant is sentenced to a term of imprisonment,
7 the prosecuting attorney shall provide the victim with a form the
8 victim may submit to receive the notices provided for under this
9 section or section 78b. The form shall include the address of
10 the ~~sheriff's~~ department OF CORRECTIONS to which the form may
11 be sent.

12 Sec. 78b. (1) As provided in subsection (2) or (3), a
13 victim who requests notice of the escape and the prosecuting
14 attorney who is prosecuting or has prosecuted the serious misde-
15 meanor for which the person is detained or under sentence shall
16 be given immediate notice of the escape of the person accused,
17 convicted, or imprisoned for committing a serious misdemeanor
18 against the victim. The notice shall be given by any means rea-
19 sonably calculated to give prompt actual notice.

20 (2) If the escape occurs before the sentence is executed or
21 before the defendant is delivered to the sheriff, the chief law
22 enforcement officer of the agency in charge of the person's
23 detention shall give notice of the escape to the ~~prosecuting~~
24 ~~attorney~~ DEPARTMENT OF CORRECTIONS, who shall then give notice
25 of the escape to THE PROSECUTING ATTORNEY AND a victim who
26 requested notice.

1 (3) ~~If the defendant is confined pursuant to a sentence,~~
2 ~~the~~ THE notice shall be given by the chief administrator of the
3 place in which the prisoner is confined.

4 Sec. 79. (1) Upon the written request of the victim, the
5 ~~sheriff~~ DEPARTMENT OF CORRECTIONS shall notify the victim of
6 the earliest possible release date of the defendant if the
7 defendant is sentenced to more than 92 days' imprisonment.

8 (2) The victim's written request for notice under this sec-
9 tion shall include the victim's address.