

# HOUSE BILL No. 6167

June 5, 2002, Introduced by Reps. Kolb, O'Neil, Lockwood, Jacobs, Adamini, Gielegheem, Schermesser, Bogardus, Lipsey, Hansen and Lemmons and referred to the Committee on Employment Relations, Training and Safety.

A bill to permit certain employees to receive unpaid leave to attend certain court proceedings; to impose certain duties on certain employers and public officials; and to provide certain remedies.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "crime victims leave act".

3       Sec. 2. As used in this act:

4       (a) "Crime" means a violation of a penal law of this state.

5       (b) "Crime victim" means any of the following:

6       (i) An individual who suffers direct or threatened physical,  
7 financial, or emotional harm as a result of the commission of a  
8 crime.

9       (ii) The following individuals if the victim is deceased:

1 (A) The spouse of the deceased victim.

2 (B) A child of the deceased victim if the child is 18 years  
3 of age or older.

4 (C) The guardian or custodian of a child of the deceased  
5 victim if the child is less than 18 years of age.

6 (D) A parent of the deceased victim.

7 (E) A sibling of the deceased victim.

8 (F) A grandparent of the deceased victim.

9 (iii) A parent, guardian, or custodian of a victim who is  
10 less than 18 years of age or who is mentally or emotionally  
11 unable to participate in the legal process.

12 (c) "Defendant" means a person charged with committing a  
13 crime against a victim.

14 (d) "Employee" means a person who performs a service for  
15 wages or other remuneration under a contract of hire, written or  
16 oral, express or implied. Employee includes a person employed by  
17 this state or a political subdivision of this state, except state  
18 classified civil service.

19 (e) "Employer" means a person who has 1 or more employees.  
20 Employer includes an agent of an employer and this state or a  
21 political subdivision of this state.

22 (f) "Person" means an individual, sole proprietorship, part-  
23 nership, corporation, association, or any other legal entity.

24 (g) "Prosecuting attorney" means the prosecuting attorney  
25 for a county, an assistant prosecuting attorney for a county, the  
26 attorney general, the deputy attorney general, an assistant  
27 attorney general, or a special prosecuting attorney.

1       Sec. 3. (1) An employee who is a crime victim is entitled  
2 to a total of not more than 12 workweeks of unpaid leave during  
3 any 12-month period to attend the trial or other court proceeding  
4 of the defendant.

5       (2) An employee shall provide his or her employer with all  
6 of the following if requesting unpaid leave under this act:

7       (a) Reasonable notice of the date, time, and anticipated  
8 duration of the trial or court proceeding for which unpaid leave  
9 is sought.

10       (b) A statement from the prosecuting attorney confirming  
11 that the employee is a crime victim. The statement required  
12 under this subdivision shall be in a form prescribed by the  
13 department of attorney general.

14       Sec. 4. An employee who is granted unpaid leave under sec-  
15 tion 3 shall provide his or her employer with a statement from  
16 the clerk of the court in which the trial or court proceeding  
17 occurred confirming the date and time that the employee attended  
18 the trial or court proceeding. The statement required under this  
19 section shall be in a form prescribed by the department of attor-  
20 ney general.

21       Sec. 5. (1) An employer shall not discharge an employee  
22 for, or prohibit or discourage an employee from, requesting  
23 unpaid leave under this act.

24       (2) An employer who violates subsection (1) is liable to an  
25 employee in a civil action for all damages incurred, including  
26 reasonable attorney fees.