

HOUSE BILL No. 5186

October 21, 2003, Introduced by Reps. Hood, Sak, Vagnozzi, Bieda, Gleason, Hunter, Dennis, Accavitti, Stallworth and Smith and referred to the Committee on Criminal Justice.

A bill to amend 1985 PA 87, entitled
"Crime victim's rights act,"
by amending sections 2, 19, 20, 20a, 20b, 21, 22, 31, 46, 46a,
48, 61, 77a, 78, 78a, 78b, and 79 (MCL 780.752, 780.769, 780.770,
780.770a, 780.770b, 780.771, 780.772, 780.781, 780.796, 780.796a,
780.798, 780.811, 780.827a, 780.828, 780.828a, 780.828b, and
780.829), sections 2, 19, 21, 31, 46, 46a, 48, 61, 78, and 78a as
amended by 2000 PA 503, section 20a as amended by 1998 PA 523,
sections 20b, 77a, and 78b as added by 1993 PA 341, and section
79 as added by 1988 PA 21.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) Except as otherwise defined in this article, as
2 used in this article:

3 (a) "County juvenile agency" means that term as defined in
4 section 2 of the county juvenile agency act, 1998 PA 518,

1 MCL 45.622.

2 (b) "Crime" means a violation of a penal law of this state
3 for which the offender, upon conviction, may be punished by
4 imprisonment for more than 1 year or an offense expressly
5 designated by law as a felony.

6 (c) "Defendant" means a person charged with or convicted of
7 committing a crime against a victim.

8 (d) "Final disposition" means the ultimate termination of the
9 criminal prosecution of a defendant including, but not limited
10 to, dismissal, acquittal, or imposition of sentence by the
11 court.

12 (e) "Interested person" means a juror or witness in the
13 criminal case resulting in a defendant's incarceration or any
14 other individual who is interested in the status of a specific
15 defendant or prisoner.

16 (f) ~~-(e)-~~ "Juvenile" means a person within the jurisdiction
17 of the circuit court under section 606 of the revised judicature
18 act of 1961, 1961 PA 236, MCL 600.606.

19 (g) ~~-(f)-~~ "Juvenile facility" means a county facility,
20 institution operated as an agency of the county or the family
21 division of circuit court, or an institution or agency described
22 in the youth rehabilitation services act, 1974 PA 150,
23 MCL 803.301 to 803.309, to which a juvenile has been committed or
24 in which a juvenile is detained.

25 (h) ~~-(g)-~~ "Person" means an individual, organization,
26 partnership, corporation, or governmental entity.

27 (i) ~~-(h)-~~ "Prisoner" means a person who has been convicted

1 and sentenced to imprisonment or placement in a juvenile facility
2 for having committed a crime or an act that would be a crime if
3 committed by an adult against a victim.

4 **(j)** ~~-(i)-~~ "Prosecuting attorney" means the prosecuting
5 attorney for a county, an assistant prosecuting attorney for a
6 county, the attorney general, the deputy attorney general, an
7 assistant attorney general, or a special prosecuting attorney.

8 **(k)** ~~-(j)-~~ "Victim" means any of the following:

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

12 (ii) The following individuals other than the defendant if
13 the victim is deceased:

14 (A) The spouse of the deceased victim.

15 (B) A child of the deceased victim if the child is 18 years
16 of age or older and sub-subparagraph (A) does not apply.

17 (C) A parent of a deceased victim if sub-subparagraphs (A)
18 and (B) do not apply.

19 (D) The guardian or custodian of a child of a deceased victim
20 if the child is less than 18 years of age and sub-subparagraphs
21 (A) to (C) do not apply.

22 (E) A sibling of the deceased victim if sub-subparagraphs (A)
23 to (D) do not apply.

24 (F) A grandparent of the deceased victim if sub-subparagraphs
25 (A) to (E) do not apply.

26 (iii) A parent, guardian, or custodian of a victim who is
27 less than 18 years of age and who is neither the defendant nor

1 incarcerated, if the parent, guardian, or custodian so chooses.

2 (iv) A parent, guardian, or custodian of a victim who is
3 mentally or emotionally unable to participate in the legal
4 process if he or she is neither the defendant nor incarcerated.

5 (2) If a victim as defined in subsection ~~—(1)(j)(i)~~
6 **(1)(k)(i)** is physically or emotionally unable to exercise the
7 privileges and rights under this article, the victim may
8 designate his or her spouse, child 18 years of age or older,
9 parent, sibling, grandparent, or any other person 18 years of age
10 or older who is neither the defendant nor incarcerated to act in
11 his or her place while the physical or emotional disability
12 continues. The victim shall provide the prosecuting attorney
13 with the name of the person who is to act in his or her place.
14 During the physical or emotional disability, notices to be
15 provided under this article to the victim shall continue to be
16 sent only to the victim.

17 (3) An individual who is charged with a crime arising out of
18 the same transaction from which the charge against the defendant
19 arose is not eligible to exercise the privileges and rights
20 established for victims under this article.

21 (4) An individual who is incarcerated is not eligible to
22 exercise the privileges and rights established for victims under
23 this article except that he or she may submit a written statement
24 to the court for consideration at sentencing.

25 Sec. 19. (1) Upon the victim's written request, **or upon the**
26 **written request of an interested person**, the sheriff or the
27 department of corrections shall mail to the victim **or interested**

1 **person** the following, as applicable, about a prisoner who has
2 been sentenced to imprisonment under the jurisdiction of the
3 sheriff or the department for the crime against that victim:

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

11 (b) Notice of the prisoner's transfer or pending transfer to
12 a minimum security facility and the facility's address.

13 (c) Notice of the prisoner's release or pending release in a
14 community residential program or under furlough; any other
15 transfer to community status; any transfer from 1 community
16 residential program or electronic monitoring program to another;
17 or any transfer from a community residential program or
18 electronic monitoring program to a state correctional facility.

19 (d) Notice of the escape of the person accused, convicted, or
20 imprisoned for committing a crime against the victim, as provided
21 in section 20.

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

27 (f) Notice of the decision of the parole board, or any other

1 panel having authority over the prisoner's release on parole,
2 after a parole review, as provided in section 21(3).

3 (g) Notice of the release of a prisoner 90 days before the
4 date of the prisoner's discharge from prison, unless the notice
5 has been otherwise provided under this article.

6 (h) Notice of a public hearing under section 44 of **the**
7 **corrections code of 1953**, 1953 PA 232, MCL 791.244, regarding a
8 reprieve, commutation, or pardon of the prisoner's sentence by
9 the governor.

10 (i) Notice that a reprieve, commutation, or pardon has been
11 granted.

12 (j) Notice that a prisoner has had his or her name legally
13 changed while on parole or within 2 years after release from
14 parole.

15 (k) Notice that a prisoner has been convicted of a new
16 crime.

17 (l) Notice that a prisoner has been returned from parole
18 status to a correctional facility due to an alleged violation of
19 the conditions of his or her parole.

20 (2) A victim's **or interested person's** address and telephone
21 number maintained by a sheriff or the department of corrections
22 upon a request for notice under subsection (1) is exempt from
23 disclosure under the freedom of information act, 1976 PA 442,
24 MCL 15.231 to 15.246.

25 Sec. 20. (1) As provided in subsection (2) or (3), a victim
26 **or interested person** who requests notice of the escape and the
27 prosecuting attorney who is prosecuting or has prosecuted the

1 crime for which the person is detained or under sentence shall be
2 given immediate notice of the escape of the person accused,
3 convicted, or imprisoned for committing a crime against the
4 victim. The notice shall be given by any means reasonably
5 calculated to give prompt actual notice.

6 (2) If the escape occurs before the sentence is executed or
7 before the defendant is delivered to the department of
8 corrections, the chief law enforcement officer of the agency in
9 charge of the person's detention shall give notice of the escape
10 to the prosecuting attorney, who shall then give notice of the
11 escape to a victim **or interested person** who requested notice.

12 (3) If the defendant is confined pursuant to a sentence, the
13 notice shall be given by the chief administrator of the place in
14 which the prisoner is confined.

15 Sec. 20a. (1) Upon a victim's written request, **or upon the**
16 **written request of an interested person**, the family independence
17 agency or county juvenile agency, as applicable, shall make a
18 good faith effort to notify the victim **or interested person**
19 before either of the following occurs:

20 (a) A juvenile is dismissed from court jurisdiction or
21 discharged from commitment to the family independence agency or
22 county juvenile agency.

23 (b) A juvenile is transferred from a secure juvenile facility
24 to a nonsecure juvenile facility.

25 (2) If the family independence agency or county juvenile
26 agency is not successful in notifying the victim **or interested**
27 **person** before an event described in subsection (1) occurs, it

1 shall notify the victim **or interested person** as soon as possible
2 after that event occurs by any means reasonably calculated to
3 give prompt actual notice.

4 (3) Upon the victim's written request, **or upon the written**
5 **request of an interested person**, the family independence agency
6 or county juvenile agency, as applicable, shall give to the
7 victim **or interested person** notice of a juvenile's escape. A
8 victim **or interested person** who requests notice of an escape
9 shall be given immediate notice of the escape by any means
10 reasonably calculated to give prompt actual notice. If the
11 escape occurs before the juvenile is delivered to the family
12 independence agency or county juvenile agency, the agency in
13 charge of the juvenile's detention shall give notice of the
14 escape to the family independence agency or county juvenile
15 agency, which shall then give notice of the escape to the victim
16 **or interested person** who requested notice.

17 Sec. 20b. Upon the victim's request, **or upon the request of**
18 **an interested person**, the prosecuting attorney shall give the
19 victim **or interested person** notice of a review hearing conducted
20 pursuant to section 1b of chapter IX of the code of criminal
21 procedure, ~~Act No. 175 of the Public Acts of 1927, being section~~
22 ~~769.1b of the Michigan Compiled Laws~~ **1927 PA 175, MCL 769.1b.**
23 The victim **or interested person** has the right to make a statement
24 at the hearing, submit a written statement for use at the
25 hearing, or both.

26 Sec. 21. (1) A victim ~~shall have~~ **or an interested person**
27 **has** the right to address or submit a written statement for

1 consideration by a parole board member or a member of any other
2 panel having authority over the prisoner's release on parole.

3 (2) Not less than 30 days before a review of the prisoner's
4 release, a victim **or interested person** who has requested notice
5 under section 19(1)(f) shall be given written notice by the
6 department of corrections informing the victim **or interested**
7 **person** of the pending review and of victims' rights under this
8 section. The victim, at his or her own expense, may be
9 represented by counsel at the review.

10 (3) A victim **or interested person** shall receive notice of the
11 decision of the board or panel and, if applicable, notice of the
12 date of the prisoner's release on parole. Notice shall be mailed
13 within a reasonable time after the board or panel reaches its
14 decision but not later than 14 days after the board or panel has
15 reached its decision. The notice shall include a statement of
16 the victim's right to appeal a parole decision, as allowed under
17 section 34(9) of **the corrections code of 1953**, 1953 PA 232,
18 MCL 791.234.

19 Sec. 22. Upon the request of a victim **or interested person**,
20 the prosecuting attorney shall, within 30 days of the final
21 disposition of the case, notify the victim in writing of the
22 final disposition of the case.

23 Sec. 31. (1) Except as otherwise defined in this article,
24 as used in this article:

25 (a) "County juvenile agency" means that term as defined in
26 section 2 of the county juvenile agency act, 1998 PA 518,
27 MCL 45.622.

1 (b) "Court" means the family division of circuit court.

2 (c) "Designated case" means a case designated as a case in
3 which the juvenile is to be tried in the same manner as an adult
4 under section 2d of chapter XIIIA of the probate code of 1939,
5 1939 PA 288, MCL 712A.2d.

6 (d) "Interested person" means a juror or witness in the
7 criminal case resulting in a defendant's incarceration or any
8 other individual who is interested in the status of a specific
9 defendant or prisoner.

10 (e) ~~-(d)-~~ "Juvenile" means an individual alleged or found to
11 be within the court's jurisdiction under section 2(a)(1) of
12 chapter XIIIA of the probate code of 1939, 1939 PA 288,
13 MCL 712A.2, for an offense, including, but not limited to, an
14 individual in a designated case.

15 (f) ~~-(e)-~~ "Juvenile facility" means a county facility, an
16 institution operated as an agency of the county or the court, or
17 an institution or agency described in the youth rehabilitation
18 services act, 1974 PA 150, MCL 803.301 to 803.309, to which a
19 juvenile has been committed or in which a juvenile is detained.

20 (g) ~~-(f)-~~ "Offense" means 1 or more of the following:

21 (i) A violation of a penal law of this state for which a
22 juvenile offender, if convicted as an adult, may be punished by
23 imprisonment for more than 1 year or an offense expressly
24 designated by law as a felony.

25 (ii) A violation of section 81 (assault and battery,
26 including domestic violence), 81a (assault; infliction of serious
27 injury, including aggravated domestic violence), 115 (breaking

1 and entering or illegal entry), 136b(5) (child abuse in the
2 ~~fourth~~ **third** degree), 145a (enticing a child for immoral
3 purposes), 234 (discharge of a firearm intentionally aimed at a
4 person), 235 (discharge of an intentionally aimed firearm
5 resulting in injury), 335a (indecent exposure), or 411h
6 (stalking) of the Michigan penal code, 1931 PA 328, MCL 750.81,
7 750.81a, 750.115, 750.136b, 750.145a, 750.234, 750.235, 750.335a,
8 and 750.411h.

9 (iii) A violation of section 617a (leaving the scene of a
10 personal injury accident) of the Michigan vehicle code, 1949
11 PA 300, MCL 257.617a, or a violation of section 625 (operating a
12 vehicle while under the influence of or impaired by intoxicating
13 liquor or a controlled substance, or with unlawful blood alcohol
14 content) of that act, MCL 257.625, if the violation involves an
15 accident resulting in damage to another individual's property or
16 physical injury or death to another individual.

17 (iv) Selling or furnishing alcoholic liquor to an individual
18 less than 21 years of age in violation of section 33 of the
19 former 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor
20 control code of 1998, 1998 PA 58, MCL 436.1701, if the violation
21 results in physical injury or death to any individual.

22 (v) A violation of section 80176(1) or (3) (operating a
23 vessel while under the influence of or impaired by intoxicating
24 liquor or a controlled substance, or with unlawful blood alcohol
25 content) of the natural resources and environmental protection
26 act, 1994 PA 451, MCL 324.80176, if the violation involves an
27 accident resulting in damage to another individual's property or

1 physical injury or death to any individual.

2 (vi) A violation of a local ordinance substantially
3 corresponding to a law enumerated in subparagraphs (i) to (v).

4 (vii) A violation described in subparagraphs (i) to (vi) that
5 is subsequently reduced to a violation not included in
6 subparagraphs (i) to (vi).

7 (h) ~~-(g)-~~ "Person" means an individual, organization,
8 partnership, corporation, or governmental entity.

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

16 (j) ~~-(i)-~~ "Victim" means any of the following:

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

21 (ii) The following individuals other than the juvenile if the
22 victim is deceased:

23 (A) The spouse of the deceased victim.

24 (B) A child of the deceased victim if the child is 18 years
25 of age or older and sub-subparagraph (A) does not apply.

26 (C) A parent of a deceased victim if sub-subparagraphs (A)
27 and (B) do not apply.

1 (D) The guardian or custodian of a child of a deceased victim
2 if the child is less than 18 years of age and sub-subparagraphs
3 (A) to (C) do not apply.

4 (E) A sibling of the deceased victim if sub-subparagraphs (A)
5 to (D) do not apply.

6 (F) A grandparent of the deceased victim if sub-subparagraphs
7 (A) to (E) do not apply.

8 (iii) A parent, guardian, or custodian of a victim who is
9 less than 18 years of age and who is neither the defendant nor
10 incarcerated, if the parent, guardian, or custodian so chooses.

11 (iv) A parent, guardian, or custodian of a victim who is
12 mentally or emotionally unable to participate in the legal
13 process if he or she is neither the defendant nor incarcerated.

14 (2) If a victim as defined in subsection ~~—(1)(h)(i)~~
15 **(1)(i)(i)** is physically or emotionally unable to exercise the
16 privileges and rights under this article, the victim may
17 designate his or her spouse, child 18 years of age or older,
18 parent, sibling, grandparent, or any other person 18 years of age
19 or older who is neither the defendant nor incarcerated to act in
20 his or her place while the physical or emotional disability
21 continues. The victim shall provide the prosecuting attorney
22 with the name of the person who is to act in his or her place.
23 During the physical or emotional disability, notices to be
24 provided under this article to the victim shall continue to be
25 sent only to the victim.

26 (3) An individual who is charged with an offense arising out
27 of the same transaction from which the charge against the

1 defendant arose is not eligible to exercise the privileges and
2 rights established for victims under this article.

3 Sec. 46. (1) Upon the request of the victim, **or upon the**
4 **request of an interested person**, the prosecuting attorney shall
5 notify the victim **or interested person** of the following:

6 (a) That the juvenile filed an appeal of his or her
7 adjudication, conviction, disposition, or sentence or the
8 prosecuting attorney filed an appeal.

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

17 (c) The time and place of any appellate court proceedings and
18 any changes in the time or place of those proceedings.

19 (d) The result of the appeal. If the disposition or
20 conviction is ordered reversed, the sentence is vacated, the case
21 is remanded for a new trial, or the prosecuting attorney's appeal
22 is denied, and if the prosecuting attorney has filed the
23 appropriate notice with the appellate court, the appellate court
24 shall expedite delivery of the relevant document to the
25 prosecuting attorney's office by any means reasonably calculated
26 to give the prosecuting attorney prompt notice. The prosecuting
27 attorney shall use any means reasonably calculated to give the

1 victim **or interested person** notice of that order within 24 hours
2 after the prosecuting attorney is notified of the order.

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

10 (3) Upon the request of the victim **or interested person**, the
11 prosecuting attorney shall provide the victim with a brief
12 explanation in plain English of the appeal process, including the
13 possible dispositions.

14 (4) If the case is returned to the court for further
15 proceedings or a new trial, the victim has the same rights as
16 previously requested during the proceedings that led to the
17 appeal.

18 Sec. 46a. (1) If a juvenile applies to have a conviction
19 for an assaultive crime or serious misdemeanor or an adjudication
20 for an offense that if committed by an adult would be an
21 assaultive crime or a serious misdemeanor set aside under section
22 18e of chapter XIIIA of the probate code of 1939, 1939 PA 288,
23 MCL 712A.18e, and the prosecuting attorney knows the victim's
24 name, the prosecuting attorney shall give the victim of the
25 offense written notice of the application and forward a copy of
26 the application to the victim. The notice shall be by
27 first-class mail to the victim's last known address. The victim

1 has the right to appear at any proceeding under section 18e of
2 chapter XIIA of the probate code of 1939, 1939 PA 288,
3 MCL 712A.18e, concerning that adjudication and make a written or
4 oral statement.

5 **(2) An interested person who gives written notice to the**
6 **prosecuting attorney has the same rights to receive notices and**
7 **make appearances as a victim under this section.**

8 **(3) —(2)—** As used in this section:

9 (a) "Assaultive crime" means that term as defined in
10 section 9a of chapter X of the code of criminal procedure, 1927
11 PA 175, MCL 770.9a.

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

14 Sec. 48. (1) Upon the victim's written request, **or upon the**
15 **written request of an interested person**, the court or the family
16 independence agency or county juvenile agency, as applicable,
17 shall make a good faith effort to notify the victim **or interested**
18 **person** before any of the following occurs:

19 (a) The juvenile is dismissed from court jurisdiction or
20 discharged from commitment to the family independence agency or
21 county juvenile agency.

22 (b) The juvenile is transferred from a juvenile facility to
23 any other juvenile facility.

24 (c) The juvenile has his or her name legally changed while
25 under the court's jurisdiction or within 2 years after discharge
26 from the court's jurisdiction.

27 (d) The juvenile is detained for having committed an act

1 which, if committed by an adult, would be a criminal violation.

2 (2) If the court, family independence agency, or county
3 juvenile agency is not successful in notifying the victim **or**
4 **interested person** before an event described in subsection (1)(a),
5 (b), or (c) occurs, it shall notify the victim **or interested**
6 **person** as soon as possible after that event occurs.

7 (3) Upon the victim's written request, **or upon the written**
8 **request of an interested person**, the family independence agency,
9 county juvenile agency, or court shall give to the victim **or**
10 **interested person** notice of a juvenile's escape from a secure
11 detention or treatment facility. A victim **or interested person**
12 who requests notice of an escape shall be given immediate notice
13 of the escape by any means reasonably calculated to give prompt
14 actual notice.

15 (4) Upon the victim's written request, **or upon the written**
16 **request of an interested person**, the sheriff or the department of
17 corrections shall mail to the victim the following, as
18 applicable, about a juvenile who has been sentenced to
19 imprisonment under the jurisdiction of the sheriff or the
20 department for the offense against that victim:

21 (a) Within 30 days after the request, notice of the sheriff's
22 calculation of the juvenile's earliest release date or the
23 department's calculation of the juvenile's earliest parole
24 eligibility, with all potential good time or disciplinary credits
25 considered, if the sentence of imprisonment exceeds 90 days. The
26 victim **or interested person** may request 1-time only notice of the
27 calculation described in this subdivision.

1 (b) Notice of the juvenile's transfer or pending transfer to
2 a minimum security facility and the facility's address.

3 (c) Notice of the juvenile's release or pending release in a
4 community residential program, under furlough, or any other
5 transfer to community status; any transfer from 1 community
6 residential program or electronic monitoring program to another;
7 or any transfer from a community residential program or
8 electronic monitoring program to a state correctional facility.

9 (d) Notice of the escape of the juvenile accused, convicted,
10 or imprisoned for committing an offense against the victim.

11 (e) Notice of the victim's **or interested person's** right to
12 address or submit a written statement for consideration by a
13 parole board member or a member of any other panel having
14 authority over the juvenile's release on parole.

15 (f) Notice of the decision of the parole board, or any other
16 panel having authority over the juvenile's release on parole,
17 after a parole review.

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

21 (h) Notice of a public hearing under section 44 of 1953
22 PA 232, MCL 791.244, regarding a reprieve, commutation, or pardon
23 of the juvenile's sentence by the governor.

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

26 (j) Notice that a juvenile has had his or her name legally
27 changed while on parole or within 2 years after release from

1 parole.

2 (5) A victim's **or interested person's** address and telephone
3 number maintained by a sheriff or the department of corrections
4 upon a request for notice under subsection (4) is exempt from
5 disclosure under the freedom of information act, 1976 PA 442,
6 MCL 15.231 to 15.246.

7 (6) As provided in subsection (7) or (8), a victim **or**
8 **interested person** who requests notice of the escape and the
9 prosecuting attorney who filed the petition alleging the offense
10 for which the juvenile is accused, detained, or under sentence
11 shall be given immediate notice of the juvenile's escape. The
12 notice shall be given by any means reasonably calculated to give
13 prompt actual notice.

14 (7) If the escape occurs before the sentence is executed or
15 before the juvenile is delivered to the family independence
16 agency, county juvenile agency, sheriff, or the department of
17 corrections, the person in charge of the agency in charge of the
18 juvenile's detention shall give notice of the escape to the
19 prosecuting attorney, who shall then give notice of the escape to
20 a victim **or interested person** who requested notice.

21 (8) If the juvenile is confined under sentence, the notice of
22 escape shall be given to the victim and the prosecuting attorney
23 by the chief administrator of the place in which the juvenile is
24 confined.

25 (9) Upon the victim's request, **or upon the request of an**
26 **interested person**, the prosecuting attorney shall give the victim
27 **or interested person** notice of a review hearing conducted under

1 section 18 of chapter XIIIA of the probate code of 1939, 1939
2 PA 288, MCL 712A.18. The victim **or interested person** has the
3 right to make a statement at the hearing or submit a written
4 statement for use at the hearing, or both.

5 Sec. 61. (1) Except as otherwise defined in this article,
6 as used in this article:

7 (a) "Serious misdemeanor" means 1 or more of the following:

8 (i) A violation of section 81 of the Michigan penal code,
9 1931 PA 328, MCL 750.81, assault and battery, including domestic
10 violence.

11 (ii) A violation of section 81a of the Michigan penal code,
12 1931 PA 328, MCL 750.81a, assault; infliction of serious injury,
13 including aggravated domestic violence.

14 (iii) A violation of section 115 of the Michigan penal code,
15 1931 PA 328, MCL 750.115, breaking and entering or illegal
16 entry.

17 (iv) A violation of section 136b(6) of the Michigan penal
18 code, 1931 PA 328, MCL 750.136b, child abuse in the fourth
19 degree.

20 (v) A violation of section 145a of the Michigan penal code,
21 1931 PA 328, MCL 750.145a, enticing a child for immoral
22 purposes.

23 (vi) A violation of section 234 of the Michigan penal code,
24 1931 PA 328, MCL 750.234, discharge of a firearm intentionally
25 aimed at a person.

26 (vii) A violation of section 235 of the Michigan penal code,
27 1931 PA 328, MCL 750.235, discharge of an intentionally aimed

1 firearm resulting in injury.

2 (viii) A violation of section 335a of the Michigan penal
3 code, 1931 PA 328, MCL 750.335a, indecent exposure.

4 (ix) A violation of section 617a of the Michigan vehicle
5 code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal
6 injury accident.

7 (x) A violation of section 625 of the Michigan vehicle code,
8 1949 PA 300, MCL 257.625, operating a vehicle while under the
9 influence of or impaired by intoxicating liquor or a controlled
10 substance, or with an unlawful blood alcohol content, if the
11 violation involves an accident resulting in damage to another
12 individual's property or physical injury or death to another
13 individual.

14 (xi) Selling or furnishing alcoholic liquor to an individual
15 less than 21 years of age in violation of section 701 of the
16 Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
17 if the violation results in physical injury or death to any
18 individual.

19 (xii) A violation of section 411h of the Michigan penal code,
20 1931 PA 328, MCL 750.411h, stalking.

21 (xiii) A violation of section 80176(1) or (3) of the natural
22 resources and environmental protection act, 1994 PA 451,
23 MCL 324.80176, operating a vessel while under the influence of or
24 impaired by intoxicating liquor or a controlled substance, or
25 with an unlawful blood alcohol content, if the violation involves
26 an accident resulting in damage to another individual's property
27 or physical injury or death to any individual.

1 (xiv) A violation of a local ordinance substantially
2 corresponding to a violation enumerated in subparagraphs (i) to
3 (xiii).

4 (xv) A violation charged as a crime or serious misdemeanor
5 enumerated in subparagraphs (i) to (xiv) but subsequently reduced
6 to or pleaded to as a misdemeanor. As used in this subparagraph,
7 "crime" means that term as defined in section 2.

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

10 (c) "Final disposition" means the ultimate termination of the
11 criminal prosecution of a defendant including, but not limited
12 to, dismissal, acquittal, or imposition of a sentence by the
13 court.

14 (d) **"Interested person" means a juror or witness in the**
15 **criminal case resulting in a defendant's incarceration or any**
16 **other individual who is interested in the status of a specific**
17 **defendant or prisoner.**

18 (e) ~~—(d)—~~ "Person" means an individual, organization,
19 partnership, corporation, or governmental entity.

20 (f) ~~—(e)—~~ "Prisoner" means a person who has been convicted
21 and sentenced to imprisonment for having committed a serious
22 misdemeanor against a victim.

23 (g) ~~—(f)—~~ "Prosecuting attorney" means the prosecuting
24 attorney for a county, an assistant prosecuting attorney for a
25 county, the attorney general, the deputy attorney general, an
26 assistant attorney general, a special prosecuting attorney, or,
27 in connection with the prosecution of an ordinance violation, an

1 attorney for the political subdivision that enacted the ordinance
2 upon which the violation is based.

3 **(h)** ~~—(g)—~~ "Victim" means any of the following:

4 (i) An individual who suffers direct or threatened physical,
5 financial, or emotional harm as a result of the commission of a
6 serious misdemeanor, except as provided in subparagraph (ii),
7 (iii), or (iv).

8 (ii) The following individuals other than the defendant if
9 the victim is deceased:

10 (A) The spouse of the deceased victim.

11 (B) A child of the deceased victim if the child is 18 years
12 of age or older and sub-subparagraph (A) does not apply.

13 (C) A parent of a deceased victim if sub-subparagraphs (A)
14 and (B) do not apply.

15 (D) The guardian or custodian of a child of a deceased victim
16 if the child is less than 18 years of age and sub-subparagraphs
17 (A) to (C) do not apply.

18 (E) A sibling of the deceased victim if sub-subparagraphs (A)
19 to (D) do not apply.

20 (F) A grandparent of the deceased victim if sub-subparagraphs
21 (A) to (E) do not apply.

22 (iii) A parent, guardian, or custodian of a victim who is
23 less than 18 years of age and who is neither the defendant nor
24 incarcerated, if the parent, guardian, or custodian so chooses.

25 (iv) A parent, guardian, or custodian of a victim who is so
26 mentally incapacitated that he or she cannot meaningfully
27 understand or participate in the legal process if he or she is

1 not the defendant and is not incarcerated.

2 (2) If a victim as defined in subsection ~~—(1)(g)(i)~~
3 **(1)(h)(i)** is physically or emotionally unable to exercise the
4 privileges and rights under this article, the victim may
5 designate his or her spouse, child 18 years of age or older,
6 parent, sibling, or grandparent or any other person 18 years of
7 age or older who is neither the defendant nor incarcerated to act
8 in his or her place while the physical or emotional disability
9 continues. The victim shall provide the prosecuting attorney
10 with the name of the person who is to act in place of the
11 victim. During the physical or emotional disability, notices to
12 be provided under this article to the victim shall continue to be
13 sent only to the victim.

14 (3) An individual who is charged with a serious misdemeanor,
15 a crime as defined in section 2, or an offense as defined in
16 section 31 arising out of the same transaction from which the
17 charge against the defendant arose is not eligible to exercise
18 the privileges and rights established for victims under this
19 article.

20 (4) An individual who is incarcerated is not eligible to
21 exercise the privileges and rights established for victims under
22 this article except that he or she may submit a written statement
23 to the court for consideration at sentencing.

24 Sec. 77a. **(1)** If a defendant applies to have a conviction
25 for a serious misdemeanor set aside under ~~Act No. 213 of the~~
26 ~~Public Acts of 1965, being sections 780.621 to 780.624 of the~~
27 ~~Michigan Compiled Laws— 1965 PA 213, MCL 780.621 to 780.624, and~~

1 if the name of the victim is known by the prosecuting attorney,
2 the prosecuting attorney shall give to the victim of the serious
3 misdemeanor written notice of the application and forward a copy
4 of the application to the victim. The notice shall be by
5 first-class mail to the victim's last known address. The victim
6 has the right to appear at any proceeding under ~~Act No. 213 of~~
7 ~~the Public Acts of 1965~~ **1965 PA 213, MCL 780.621 to 780.624,**
8 concerning that conviction and make a written or oral statement.

9 **(2) An interested person who gives written notice to the**
10 **prosecuting attorney has the same rights to receive notices and**
11 **make appearances as a victim under this section.**

12 Sec. 78. (1) Upon the request of the victim, **or upon the**
13 **request of an interested person,** the prosecuting attorney shall
14 notify the victim **or the interested person** of the following:

15 (a) That the defendant filed an appeal of his or her
16 conviction or sentence or that the prosecuting attorney filed an
17 appeal.

18 (b) Whether the defendant has been ordered released on bail
19 or other recognizance pending the disposition of the appeal. If
20 the prosecuting attorney is notified that the defendant has been
21 ordered released on bail or other recognizance pending
22 disposition of the appeal, the prosecuting attorney shall use any
23 means reasonably calculated to give the victim **or interested**
24 **person** notice of that order within 24 hours after the prosecuting
25 attorney is notified of the order.

26 (c) The time and place of any appellate court proceedings and
27 any changes in the time or place of those proceedings.

1 (d) The result of the appeal. If the conviction is ordered
2 reversed, the sentence is vacated, the case is remanded for a new
3 trial, or the prosecuting attorney's appeal is denied, and if the
4 prosecuting attorney has filed the appropriate notice with the
5 appellate court, the appellate court shall expedite delivery of
6 the relevant document to the prosecuting attorney's office by any
7 means reasonably calculated to give the prosecuting attorney
8 prompt notice. The prosecuting attorney shall use any means
9 reasonably calculated to give the victim **or interested person**
10 notice of that order within 24 hours after the prosecuting
11 attorney is notified of the order.

12 (2) If the prosecuting attorney is not successful in
13 notifying the victim **or interested person** of an event described
14 in subsection (1) within the period set forth in that subsection,
15 the prosecuting attorney shall notify the victim **or interested**
16 **person** of that event as soon as possible by any means reasonably
17 calculated to give the victim **or interested person** prompt actual
18 notice.

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

23 (4) If the case is returned to the trial court for further
24 proceedings or a new trial, the victim **or interested person** has
25 the same rights as previously requested during the proceedings
26 that led to the appeal.

27 Sec. 78a. (1) Upon the written request of a victim of a

1 serious misdemeanor, **or upon the written request of an interested**
2 **person**, the sheriff shall mail to the victim **or interested person**
3 the following, as applicable, about a prisoner who has been
4 sentenced to imprisonment under the jurisdiction of the sheriff
5 for commission of that serious misdemeanor:

6 (a) Within 30 days after the request, notice of the sheriff's
7 calculation of the earliest release date of the prisoner, with
8 all potential good time or disciplinary credits considered if the
9 sentence of imprisonment exceeds 90 days. The victim **or**
10 **interested person** may request 1-time only notice of the
11 calculation described in this subdivision.

12 (b) Notice that a prisoner has had his or her name legally
13 changed while imprisoned in the county jail or within 2 years of
14 release from the county jail.

15 (c) Notice that the prisoner has been placed on day parole or
16 work release.

17 (2) When a defendant is sentenced to a term of imprisonment,
18 the prosecuting attorney shall provide the victim **or interested**
19 **person** with a form the victim **or interested person** may submit to
20 receive the notices provided for under this section or
21 section 78b. The form shall include the address of the sheriff's
22 department to which the form may be sent.

23 Sec. 78b. (1) As provided in subsection (2) or (3), a
24 victim **or interested person** who requests notice of the escape and
25 the prosecuting attorney who is prosecuting or has prosecuted the
26 serious misdemeanor for which the person is detained or under
27 sentence shall be given immediate notice of the escape of the

1 person accused, convicted, or imprisoned for committing a serious
2 misdemeanor against the victim. The notice shall be given by any
3 means reasonably calculated to give prompt actual notice.

4 (2) If the escape occurs before the sentence is executed or
5 before the defendant is delivered to the sheriff, the chief law
6 enforcement officer of the agency in charge of the person's
7 detention shall give notice of the escape to the prosecuting
8 attorney, who shall then give notice of the escape to a victim **or**
9 **interested person** who requested notice.

10 (3) If the defendant is confined pursuant to a sentence, the
11 notice shall be given by the chief administrator of the place in
12 which the prisoner is confined.

13 Sec. 79. (1) Upon the written request of the victim, **or**
14 **upon the written request of an interested person**, the sheriff
15 shall notify the victim **or interested person** of the earliest
16 possible release date of the defendant if the defendant is
17 sentenced to more than 92 days' imprisonment.

18 (2) The victim's **or interested person's** written request for
19 notice under this section shall include the victim's address.