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BILL



ANALYSIS

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Senate Bill 1211 (as enacted)
Sponsor: Senator Mike Green
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 564 of 2012

Date Completed: 4-30-13

CONTENT

The bill amended the Crime Victim's Rights Act to do the following:

- **Expand the circumstances under which a sheriff or the Department of Corrections (DOC) must mail notices to victims of adult and juvenile prisoners who are under the sheriff's or DOC's jurisdiction.**
- **Require notice of a defendant's escape to be given within 24 hours after the escape is reported.**
- **Require a victim to be notified of his or her right to testify and present exhibits at a parole or commutation hearing.**
- **Delete a provision that limited a victim to only one notice of the calculation of a juvenile prisoner's earliest release date or earliest parole eligibility.**

The bill took effect March 28, 2013.

Sheriff or DOC Notification to Victim

Previously, upon a victim's written request, the Act required the sheriff or DOC to mail certain information to the victim about a prisoner who had been sentenced to imprisonment under the jurisdiction of the sheriff or the DOC for the crime against the victim. The bill retains the notice requirement but refers to the written request of any individual who was a victim of the defendant's course of conduct that gave rise to the conviction.

The information that must be mailed to the victim includes notice of his or her right to address or submit a written statement for consideration by a parole board member or

a member of any other panel having authority over the prisoner's release on parole. Under the bill, this applies during the time the prisoner's release on parole or commutation of sentencing is being considered. The bill also requires the sheriff or DOC to mail notice of the victim's right to address the parole board and to present exhibits or other photographic or documentary information to the parole board, including at a commutation hearing.

In addition, the bill requires notification when a reprieve, commutation, or pardon has been granted or denied upon conclusion of a public hearing. Previously, that requirement applied only when a reprieve, commutation, or pardon had been granted. The bill added a requirement that the sheriff or DOC mail to the victim notice that the prisoner has applied for a reprieve, commutation, or pardon and the parole board has decided to consider the application.

In addition, the bill requires the sheriff or DOC to notify the victim if a prisoner or parolee has died. This applies to the death of a parolee only if the DOC is aware that he or she has died.

Notification of Defendant's Escape

The Act requires the immediate notification of a victim who requests notice, and of the prosecuting attorney, in the event of the escape of a defendant who has been accused, convicted, imprisoned, hospitalized, or admitted for committing a crime against the victim. If the defendant escapes from custody before a sentence is executed or before the defendant is

delivered to the DOC, hospitalized, or admitted to a facility, the chief law enforcement officer of the agency in charge of the person's detention must notify the prosecuting attorney that the defendant has escaped, and the prosecutor then must notify the victim. The bill requires the notice to the victim to be given within 24 hours after the defendant is reported to have escaped.

Right to Testify & Present Exhibits

The Act provides that a victim has the right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole. Under the bill, this applies during the time the prisoner's release on parole or commutation of sentencing is being considered. The bill also added that the victim has the right to address the parole board and present exhibits or other photographic or documentary information to the parole board, including at a commutation hearing.

Juvenile Offenders

Upon a victim's written request, the sheriff or the DOC must mail to the victim certain information about a juvenile who has been sentenced to imprisonment under the sheriff's or Department's jurisdiction for the offense against that victim. Within 30 days after the victim's request, the sheriff or DOC must mail to the victim the sheriff's or DOC's calculation of the juvenile's earliest release date or earliest parole eligibility, with all potential good time or disciplinary credits considered, if the sentence exceeds 90 days' imprisonment. The bill deleted a provision under which a victim was allowed to request a one-time-only notice of the calculation.

For the victim of a juvenile offender sentenced to imprisonment under the sheriff's or DOC's jurisdiction, the bill also included the same notice requirements as described above for adult offenders regarding the following:

- The right to address or submitting a statement or present exhibits to the parole board.
- Notice of the grant or denial of a reprieve, commutation, or pardon.

- Notice that an offender, including a parolee, has died.

MCL 780.769 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Due to the increased number of events that require victim notification, the bill may result in increased administrative costs for the Department of Corrections and county sheriff's offices. The magnitude of the increased administrative costs is indeterminate at this time.

Fiscal Analyst: Dan O'Connor

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.