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BILL



ANALYSIS

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Senate Bill 1211 (as introduced 7-18-12)
Sponsor: Senator Mike Green
Committee: Judiciary

Date Completed: 9-10-12

CONTENT

The bill would amend 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 prisoners under the jurisdiction of the sheriff or DOC.**
- Require immediate notification of the prosecuting attorney and a victim in the event a prisoner who was detained, under sentence, hospitalized, or admitted to a facility, absconded while on bail or other release.**
- Specify that a victim would have the right to testify and present exhibits at any parole or commutation hearing.**

Sheriff or DOC Notification of Victim

Under the Act, upon a victim's written request, the sheriff or DOC must mail certain information to the victim about a prisoner who was sentenced to imprisonment under the sheriff's or DOC's jurisdiction for a crime against that victim.

The information that must be mailed to the victim includes notice of the escape of a person accused, convicted, or imprisoned for committing a crime against the victim. The bill also would require notice that the person had absconded while on bail or other release.

The sheriff or DOC also must mail notice of the victim's 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, that notice would have to include the victim's right to testify and present exhibits at any parole or commutation hearing, as proposed by the bill.

The Act requires notice that a reprieve, commutation, or pardon has been granted. The bill also would require notification when a reprieve, commutation, or pardon had been denied and would add a requirement that the sheriff or DOC mail to the victim notice that the prisoner had applied for a reprieve, commutation, or pardon.

In addition, the bill would require the sheriff or DOC to notify the victim if a prisoner or parolee died.

Notification that Prisoner Absconded

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 escape occurs 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, who then must notify the victim. Under the bill, these notice requirements also would apply when the prisoner absconded while on bail or other release before the sentence was executed or the defendant was delivered to the DOC, hospitalized, or admitted to a facility. In addition, the bill would require the notice to be given within 24 hours after the prisoner was reported to have absconded or 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. The bill would add that the victim would have the right to testify and present exhibits at any parole or commutation hearing.

MCL 780.769 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Due to the increased number of events that would require victim notification, the bill could 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.