

Legislative Analysis



VICTIM IMPACT STATEMENT

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 749 without amendment
Sponsor: Sen. Tonya Schuitmaker
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 4-16-14

A SUMMARY OF SENATE BILL 749 AS PASSED BY THE SENATE 2-12-14

The bill would allow a parent to submit a victim impact statement if the crime involving the child as victim occurred when the child was still a minor.

The William Van Regenmorter Crime Victim's Rights Act (CVRA) provides for the rights of the victim of a crime. Article 1 applies to a crime that is either designated by law a felony or is punishable by imprisonment for more than one year; Article 2 applies to a crime committed by a juvenile that, if convicted as an adult, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony; Article 3 applies to crimes designated as serious misdemeanors. The rights, which are the same in all three Articles, include the right to make an impact statement to be included in the presentence investigation report and the right to make an oral impact statement when the offender is sentenced.

The definition of "victim" in each Article is also identical and the term means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, and includes, among others, an exception for a parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

Senate Bill 749 would amend Article 2 of the Crime Victim's Rights Act (MCL 780.781), which applies to victims of certain crimes committed by juveniles, to specify that *for the purpose of making an impact statement only*, the definition of "victim" would include a parent, guardian, or custodian of a victim who is less than 18 years of age at the time of the commission of the crime and who is neither the defendant nor incarcerated, if that parent, guardian, or custodian so chooses. The bill would take effect on July 1, 2014.

The bill is identical to House Bill 5262, which has passed the House and is pending Senate floor action. Senate Bill 628 would amend Article 1 of the CVRA to apply to victims of a felony crime. House Bill 5263 and Senate Bill 750 would amend Article 3 to apply to victims of a serious misdemeanor offense.

(Under the act, an individual who is charged with an offense arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims. Thus, even if the victim/offender had

been a minor at the time of the offense, the parents or guardian could not provide a victim impact statement.)

FISCAL IMPACT:

The bill would have no fiscal implications for state or local units of government.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.