

HOUSE BILL No. 5080

November 10, 2015, Introduced by Reps. Pagel, Pscholka, Poleski, Bumstead, Durhal, Victory, Heise, Muxlow, VerHeulen, Outman, Cox, Garcia, Santana, Jenkins, Vaupel, Canfield, Yanez, Chang, Howrylak, Irwin and Forlini and referred to the Committee on Appropriations.

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending sections 19 and 21 (MCL 780.769 and 780.771), as
amended by 2012 PA 564.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Upon the written request of any individual who
2 was a victim of the defendant's course of conduct that gave rise to
3 the conviction, the sheriff or the department of corrections shall
4 mail to that victim the following, as applicable, about a prisoner
5 who has been sentenced to imprisonment under the jurisdiction of
6 the sheriff or the department for that crime:

7 (a) Within 30 days after the request, notice of the sheriff's
8 calculation of the prisoner's earliest release date or the
9 department's calculation of the prisoner's earliest parole
10 eligibility date, with all potential good time or disciplinary

1 credits considered, if the sentence of imprisonment exceeds 90
2 days.

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

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

11 (d) Notice that the person accused, convicted, or imprisoned
12 for committing a crime against the victim has escaped from custody,
13 as provided in section 20.

14 (e) Notice of ~~both~~ **ALL** of the following:

15 (i) The victim's right to address or submit a written
16 statement for consideration by a parole board member or a member of
17 any other panel having authority over the prisoner's release on
18 parole during the time the prisoner's release on parole or
19 commutation of sentencing is being considered, as provided in
20 section 21.

21 (ii) The victim's right to address the parole board and to
22 present exhibits or other photographic or documentary information
23 to the parole board including at a commutation hearing, **AS PROVIDED**
24 **IN SECTION 21.**

25 **(iii) THE VICTIM'S RIGHT TO SUBMIT A WRITTEN REQUEST THAT HE**
26 **OR SHE BE ALLOWED TO ADDRESS THE PAROLE BOARD AND PRESENT EXHIBITS**
27 **OR OTHER PHOTOGRAPHIC OR DOCUMENTARY EVIDENCE TO THE PAROLE BOARD**

1 IN CASES IN WHICH A PRISONER IS BEING CONSIDERED FOR PAROLE UNDER
2 SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, MCL 791.235, AS
3 PROVIDED IN SECTION 21.

4 (f) Notice of the decision of the parole board, or any other
5 panel having authority over the prisoner's release on parole, after
6 a parole review, as provided in section 21.

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

10 (h) Notice that the prisoner has applied for a reprieve,
11 commutation, or pardon and the parole board has decided to consider
12 the application.

13 (i) Notice of a public hearing under section 44 of the
14 corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a
15 reprieve, commutation, or pardon of the prisoner's sentence by the
16 governor.

17 (j) Notice that a reprieve, commutation, or pardon has been
18 granted or denied upon conclusion of a public hearing.

19 (k) Notice that a prisoner has had his or her name legally
20 changed while on parole or within 2 years after release from
21 parole.

22 (l) Notice that a prisoner has been convicted of a new crime.

23 (m) Notice that a prisoner has been returned from parole
24 status to a correctional facility due to an alleged violation of
25 the conditions of his or her parole.

26 (n) Notice that the prisoner, including a parolee, has died.
27 However, the notification requirements of this subdivision apply to

1 the death of a parolee only if the department is aware that the
2 parolee has died.

3 (2) A victim's address and telephone number maintained by a
4 sheriff or the department of corrections upon a request for notice
5 under this section are exempt from disclosure under the freedom of
6 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
7 be released.

8 Sec. 21. (1) A victim has the right to do ~~both~~ **ALL** of the
9 following:

10 (a) To address or submit a written statement for consideration
11 by a parole board member or a member of any other panel having
12 authority over the prisoner's release on parole during the time the
13 prisoner's release on parole or commutation of sentencing is being
14 considered.

15 (b) To address the parole board and to present exhibits or
16 other photographic or documentary information to the parole board
17 including at a commutation hearing.

18 **(C) IN CASES IN WHICH A PRISONER IS BEING CONSIDERED FOR**
19 **PAROLE UNDER SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, MCL**
20 **791.235, WITHIN 30 DAYS OF RECEIVING THE NOTICE REQUIRED UNDER**
21 **SECTION 19, A VICTIM MAY SUBMIT A WRITTEN REQUEST THAT HE OR SHE BE**
22 **ALLOWED TO ADDRESS THE PAROLE BOARD AND PRESENT EXHIBITS OR OTHER**
23 **PHOTOGRAPHIC OR DOCUMENTARY EVIDENCE TO THE PAROLE BOARD. THE BOARD**
24 **SHALL GRANT REQUESTS MADE UNDER THIS SUBDIVISION.**

25 (2) Not less than 30 days before a review of the prisoner's
26 release, a victim who has requested notice under section 19(1)(f)
27 shall be given written notice by the department of corrections

1 informing the victim of the pending review and of victims' rights
2 under this section. The victim, at his or her own expense, may be
3 represented by counsel at the review.

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

12 (4) A record of an oral statement or a written statement made
13 under subsection (1) is exempt from disclosure under the freedom of
14 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
15 be released.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 98th Legislature are
18 enacted into law:

19 (a) Senate Bill No. ____ or House Bill No. 5078 (request no.
20 02406'15).

21 (b) Senate Bill No. ____ or House Bill No. 5079 (request no.
22 02505'15).