

HOUSE BILL No. 5816

September 7, 2016, Introduced by Reps. Iden and Hughes and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending sections 14, 15, 43, and 75 (MCL 780.764, 780.765,
780.793, and 780.825), as amended by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. ~~The~~ **A victim OF THE DEFENDANT'S COURSE OF CONDUCT** has
2 the right to submit or make a written or oral impact statement to
3 the probation officer for use by that officer in preparing a
4 presentence investigation report concerning the defendant pursuant
5 to section 14 of chapter XI of the code of criminal procedure, 1927
6 PA 175, MCL 771.14. A victim's written statement shall upon the
7 victim's request, be included in the presentence investigation
8 report.

1 Sec. 15. The victim has the right to appear and make an oral
2 impact statement at the sentencing of the defendant. If the victim
3 is physically or emotionally unable to make the oral impact
4 statement, the victim may designate any other person 18 years of
5 age or older who is neither the defendant nor incarcerated to make
6 the statement on his or her behalf. The other person need not be an
7 attorney. **THE COURT MAY ALLOW ADDITIONAL FAMILY MEMBERS OF A**
8 **HOMICIDE VICTIM OR A VICTIM OF THE DEFENDANT'S COURSE OF CONDUCT IN**
9 **COMMITTING A HOMICIDE TO ADDRESS THE COURT AT SENTENCING. A VICTIM**
10 **WHO IS UNDER 18 YEARS OF AGE AND WHOSE RIGHTS ARE BEING EXERCISED**
11 **BY AN APPROPRIATE ADULT UNDER SECTION 2 HAS THE RIGHT TO ADDRESS**
12 **THE COURT AT SENTENCING.**

13 Sec. 43. (1) The victim has the right to appear and make an
14 oral impact statement at the juvenile's disposition or sentencing.
15 If the victim is physically or emotionally unable to make the oral
16 impact statement, the victim may designate any other person 18
17 years of age or older who is neither the ~~defendant~~ **JUVENILE**
18 **OFFENDER** nor incarcerated to make the statement on his or her
19 behalf. The other person need not be an attorney. **THE COURT MAY**
20 **ALLOW ADDITIONAL FAMILY MEMBERS OF A HOMICIDE VICTIM OR A VICTIM OF**
21 **THE JUVENILE'S COURSE OF CONDUCT IN COMMITTING A HOMICIDE TO**
22 **ADDRESS THE COURT AT SENTENCING. A VICTIM WHO IS UNDER 18 YEARS OF**
23 **AGE AND WHOSE RIGHTS ARE BEING EXERCISED BY AN APPROPRIATE ADULT**
24 **DESCRIBED IN SECTION 2 HAS THE RIGHT TO ADDRESS THE COURT AT**
25 **SENTENCING.**

26 (2) Upon request, the victim shall be notified by the
27 prosecuting attorney, or **THE COURT**, pursuant to an agreement under

1 section 48a, ~~the court~~ of the disposition of the juvenile's offense
2 not more than 30 days after the disposition is made.

3 Sec. 75. If no presentence report is prepared, the court shall
4 notify the prosecuting attorney of the date and time of sentencing
5 at least 10 days prior to the sentencing. The victim has the right
6 to submit a written impact statement and has the right to appear
7 and make an oral impact statement at the sentencing of the

8 defendant. **A VICTIM WHO IS UNDER 18 YEARS OF AGE AND WHOSE RIGHTS**

9 **ARE BEING EXERCISED BY AN APPROPRIATE ADULT UNDER SECTION 61 HAS**

10 **THE RIGHT TO ADDRESS THE COURT AT SENTENCING.** If the victim is

11 physically or emotionally unable to make the oral impact statement,

12 the victim may designate any other person 18 years of age or older

13 who is neither the defendant nor incarcerated to make the statement

14 on his or her behalf. The other person need not be an attorney. **THE**

15 **COURT MAY ALLOW ADDITIONAL FAMILY MEMBERS OF A HOMICIDE VICTIM OR A**

16 **VICTIM OF THE DEFENDANT'S COURSE OF CONDUCT IN COMMITTING A**

17 **HOMICIDE TO ADDRESS THE COURT AT SENTENCING.** The court shall

18 consider the victim's statement in imposing sentence on the

19 defendant.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 98th Legislature are
24 enacted into law:

25 (a) Senate Bill No. _____ or House Bill No. 5817 (request no.
26 01048'15).

27 (b) Senate Bill No. 874 or House Bill No. _____ (request no.

1 01049'15).

2 (c) Senate Bill No. 875 or House Bill No.____ (request no.
3 01050'15).

4 (d) Senate Bill No. 876 or House Bill No.____ (request no.
5 01051'15).

6 (e) Senate Bill No.____ or House Bill No. 5817 (request no.
7 01053'15).

8 (f) Senate Bill No. 877 or House Bill No.____ (request no.
9 01054'15).