



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5407 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Representative Holly Hughes

House Committee: Law and Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Crime Victim's Rights Act to require a defendant, or juvenile offender, to be physically present in the courtroom when a victim made an oral impact statement.

Under the Act, the victim of a crime has the right to appear and make an oral impact statement at the defendant's sentencing, or at a juvenile's disposition or sentencing. If the victim is physically or emotionally unable to make the statement, he or she may designate another person 18 years of age or older who is neither the defendant nor incarcerated to make the statement.

The bill would require the defendant or juvenile offender to be physically present in the courtroom at the time a victim made an oral impact statement unless the court had determined, in its discretion, that the defendant or juvenile was behaving in a disruptive manner or presented a threat to the safety of any individuals present in the courtroom. In making its determination, the court could consider any relevant statement by the victim regarding the defendant or juvenile being physically present during the victim's statement.

The bill would apply to cases in which the defendant's or juvenile's sentencing occurred on or after the bill's effective date.

The bill would be known and could be cited as the "Rebekah Bletsch Law".

MCL 780.765 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would not have a fiscal impact on the State. The bill could have a minor impact on local court systems. Currently, juvenile offenders can waive their right to be present within the courtroom during sentencing and attend those hearings via videoconferencing. This can create logistical savings for court systems that do not have to transport juvenile offenders to the courtroom. Any savings local court systems currently receive from the use of videoconferencing during juvenile sentencing hearings would be lost if the bill were enacted. It is not known how many juvenile offenders waived their right to be present during sentencing in previous fiscal years.

Date Completed: 5-8-18

Fiscal Analyst: Michael Siracuse