



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5407 (Substitute S-1)
Sponsor: Representative Holly Hughes
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 4-9-18

CONTENT

The bill would amend the Crime Victim's Rights Act to require a defendant, or juvenile, 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 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 would have to consider a victim's preference on the defendant or juvenile being physically present during the statement.

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.

Fiscal Analyst: Michael Siracuse

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