

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5407**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) The victim has the right to appear and make an
2 oral impact statement at the sentencing of the defendant. If the
3 victim 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.

8 (2) UNLESS THE COURT HAS DETERMINED, IN ITS DISCRETION, THAT

1 THE DEFENDANT IS BEHAVING IN A DISRUPTIVE MANNER OR PRESENTS A
2 THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN THE COURTROOM,
3 THE DEFENDANT MUST BE PHYSICALLY PRESENT IN THE COURTROOM AT THE
4 TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER SUBSECTION (1).
5 IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE COURT MAY
6 CONSIDER ANY RELEVANT STATEMENT PROVIDED BY THE VICTIM REGARDING
7 THE DEFENDANT BEING PHYSICALLY PRESENT DURING THAT VICTIM'S ORAL
8 IMPACT STATEMENT. THIS SUBSECTION APPLIES TO CASES IN WHICH THE
9 SENTENCING OF THE DEFENDANT OCCURS ON OR AFTER THE EFFECTIVE DATE
10 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

11 (3) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND
12 SECTIONS 43 AND 75 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH
13 BLETSCH LAW".

14 Sec. 43. (1) The victim has the right to appear and make an
15 oral impact statement at the juvenile's disposition or sentencing.
16 If the victim is physically or emotionally unable to make the oral
17 impact statement, the victim may designate any other person 18
18 years of age or older who is neither the defendant nor incarcerated
19 to make the statement on his or her behalf. The other person need
20 not be an attorney.

21 (2) Upon request, the victim shall be notified by the
22 prosecuting attorney, or, pursuant to an agreement under section
23 48a, the court of the disposition of the juvenile's offense not
24 more than 30 days after the disposition is made.

25 (3) UNLESS THE COURT HAS DETERMINED, IN ITS DISCRETION, THAT
26 THE JUVENILE IS BEHAVING IN A DISRUPTIVE MANNER OR PRESENTS A
27 THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN THE COURTROOM,

1 THE JUVENILE MUST BE PHYSICALLY PRESENT IN THE COURTROOM AT THE
2 TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER SUBSECTION (1).
3 IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE COURT MAY
4 CONSIDER ANY RELEVANT STATEMENT PROVIDED BY THE VICTIM REGARDING
5 THE JUVENILE BEING PHYSICALLY PRESENT DURING THAT VICTIM'S ORAL
6 IMPACT STATEMENT. THIS SUBSECTION APPLIES TO CASES IN WHICH THE
7 SENTENCING OF THE JUVENILE OCCURS ON OR AFTER THE EFFECTIVE DATE OF
8 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

9 (4) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND
10 SECTIONS 15 AND 75 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH
11 BLETSCH LAW".

12 Sec. 75. (1) If no presentence report is prepared, the court
13 shall notify the prosecuting attorney of the date and time of
14 sentencing at least 10 days prior to the sentencing. The victim has
15 the right to submit a written impact statement and has the right to
16 appear and make an oral impact statement at the sentencing of the
17 defendant. If the victim is physically or emotionally unable to
18 make the oral impact statement, the victim may designate any other
19 person 18 years of age or older who is neither the defendant nor
20 incarcerated to make the statement on his or her behalf. The other
21 person need not be an attorney. The court shall consider the
22 victim's statement in imposing sentence on the defendant.

23 (2) UNLESS THE COURT HAS DETERMINED, IN ITS DISCRETION, THAT
24 THE DEFENDANT IS BEHAVING IN A DISRUPTIVE MANNER OR PRESENTS A
25 THREAT TO THE SAFETY OF ANY INDIVIDUALS PRESENT IN THE COURTROOM,
26 THE DEFENDANT MUST BE PHYSICALLY PRESENT IN THE COURTROOM AT THE
27 TIME A VICTIM MAKES AN ORAL IMPACT STATEMENT UNDER SUBSECTION (1).

1 IN MAKING ITS DETERMINATION UNDER THIS SUBSECTION, THE COURT MAY
2 CONSIDER ANY RELEVANT STATEMENT PROVIDED BY THE VICTIM REGARDING
3 THE DEFENDANT BEING PHYSICALLY PRESENT DURING THAT VICTIM'S ORAL
4 IMPACT STATEMENT. THIS SUBSECTION APPLIES TO CASES IN WHICH THE
5 SENTENCING OF THE DEFENDANT OCCURS ON OR AFTER THE EFFECTIVE DATE
6 OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.

7 (3) THE 2018 AMENDATORY ACT THAT AMENDED THIS SECTION AND
8 SECTIONS 15 AND 43 SHALL BE KNOWN AND MAY BE CITED AS THE "REBEKAH
9 BLETSCH LAW".