

Act No. 153
Public Acts of 2018
Approved by the Governor
May 23, 2018
Filed with the Secretary of State
May 23, 2018
EFFECTIVE DATE: May 23, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2018**

Introduced by Reps. Hughes, Victory and Kesto

ENROLLED HOUSE BILL No. 5407

AN ACT to amend 1985 PA 87, entitled “An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers’ agents toward victims; and to provide for penalties and remedies,” 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:

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

(2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim’s oral impact statement. This subsection applies to cases in which the sentencing of the defendant occurs on or after the effective date of the amendatory act that added this subsection.

(3) The 2018 amendatory act that amended this section and sections 43 and 75 shall be known and may be cited as the “Rebekah Bletsch law”.

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

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

(3) Unless the court has determined, in its discretion, that the juvenile is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the juvenile must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the juvenile being physically present during that victim’s oral impact statement. This subsection applies to cases in which the sentencing of the juvenile occurs on or after the effective date of the amendatory act that added this subsection.

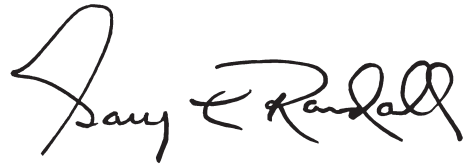
(4) The 2018 amendatory act that amended this section and sections 15 and 75 shall be known and may be cited as the "Rebekah Bletsch law".

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

(2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim's oral impact statement. This subsection applies to cases in which the sentencing of the defendant occurs on or after the effective date of the amendatory act that added this subsection.

(3) The 2018 amendatory act that amended this section and sections 15 and 43 shall be known and may be cited as the "Rebekah Bletsch law".

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor