

Act No. 276
Public Acts of 2020
Approved by the Governor
December 29, 2020
Filed with the Secretary of State
December 29, 2020
EFFECTIVE DATE: December 29, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Pagan, Farrington, Manoogian, Guerra, Clemente, Sneller, Hoadley, Bolden, Rendon, Koleszar, Anthony, Stone, Kuppa, Wittenberg, Hood, Hammoud, Warren, Hope, Cynthia Johnson, Sowerby, Greig, Yaroch, Garrett, Lasinski, Brenda Carter and Yancey

ENROLLED HOUSE BILL No. 5056

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 2a, 6, and 13a (MCL 780.752a, 780.756, and 780.763a), section 2a as added and section 13a as amended by 2006 PA 461 and section 6 as amended by 2005 PA 184.

The People of the State of Michigan enact:

Sec. 2a. (1) The duty under this article and under section 24 of article I of the state constitution of 1963 of a court, the department of corrections, the department of health and human services, a county sheriff, or a prosecuting attorney to provide a notice to a victim also applies if the case against the defendant is resolved by assignment of the defendant to trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. In performing a duty under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney may furnish information or records to the victim that would otherwise be closed to public inspection, including information or records described in section 14 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.14.

(2) In performing a duty to provide notice by mail under this article or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of health and human services, county sheriff, or prosecuting attorney shall mail the notice to the address provided by the victim, except as otherwise provided under section 11 of the address confidentiality program act. If the victim is a program participant as that term is defined in section 3 of the address confidentiality program act, the victim may provide the address designated by the department of the attorney general.

Sec. 6. (1) Not later than 7 days after the defendant's arraignment for a crime, but not less than 24 hours before a preliminary examination, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

- (a) A brief statement of the procedural steps in the processing of a criminal case.
 - (b) A specific list of the rights and procedures under this article.
 - (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.
 - (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.
 - (e) Suggested procedures if the victim is subjected to threats or intimidation.
 - (f) The person to contact for further information.
- (2) If the victim requests, the prosecuting attorney shall give the victim notice of any scheduled court proceedings and any changes in that schedule.
- (3) Before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the prosecution for the crime, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs.
- (4) A victim who receives a notice under subsection (1) and who chooses to receive any notice or exercise any right under this article shall keep the following persons informed of the victim's current address or address designated by the department of the attorney general if he or she is a program participant as that term is defined in section 3 of the address confidentiality program act and telephone number:
- (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.
 - (b) The department of corrections or the sheriff, as the prosecuting attorney directs, if the defendant is imprisoned.
 - (c) The department of health and human services or county juvenile agency, as the prosecuting attorney directs, if the defendant is held in a juvenile facility.
 - (d) The hospital or facility, as the prosecuting attorney directs, if the defendant is hospitalized in or admitted to a hospital or a facility.


Sec. 13a. (1) When a defendant is sentenced to probation, sentenced to a term of imprisonment, ordered to be placed in a juvenile facility, or hospitalized in or admitted to a hospital or a facility, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under section 18b, 19, 19a, 20, or 20a. The form must include the address of the court, the department of corrections, the sheriff, the department of health and human services, the county juvenile agency, or the hospital or facility, as applicable, to which the form may be sent and a statement that the victim may use the address designated by the department of the attorney general to receive notices if the victim is a program participant as that term is defined in section 3 of the address confidentiality program act.

(2) If the defendant is sentenced to probation, the department of corrections or the sheriff, as applicable, shall notify the victim if the probation is revoked and the defendant is sentenced to the department of corrections or to jail for more than 90 days. The notice must include a form the victim may submit to the department of corrections or the sheriff to receive notices under section 19, 20, or 20a.

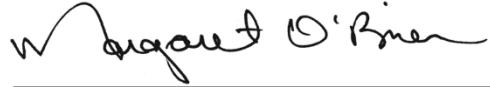
(3) If the department of corrections determines that a defendant who was, in the defendant's judgment of sentence, not prohibited from being or permitted to be placed in the special alternative incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, meets the eligibility requirements of section 34a(2) and (3) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the department of corrections shall notify the victim, if the victim has submitted a written request for notification under section 19, of the proposed placement of the defendant in the special alternative incarceration unit not later than 30 days before placement is intended to occur. In making the decision on whether or not to object to the placement of the defendant in a special alternative incarceration unit as required by section 34a(4) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the sentencing judge or the judge's successor shall review an impact statement submitted by the victim under section 14.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 70 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: Senate Bill No. 70, referred to in enacting section 1, was filed with the Secretary of State December 29, 2020, and became 2020 PA 301, Imd. Eff. Dec. 29, 2020.