

Act No. 278  
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. Bolden, Pagan, Guerra, Manoogian, Clemente, Sneller, Hoadley, 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. 5058**

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 31a, 36, and 41a (MCL 780.781a, 780.786, and 780.791a), section 31a as added and section 41a as amended by 2006 PA 461 and section 36 as amended by 2000 PA 503.

*The People of the State of Michigan enact:*

Sec. 31a. (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. 36. (1) The court shall accept a petition submitted by a prosecuting attorney that seeks to invoke the court’s jurisdiction for a juvenile offense, unless the court finds on the record that the petitioner’s allegations are insufficient to support a claim of jurisdiction under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(2) Within 72 hours after the prosecuting attorney files or submits a petition seeking to invoke the court’s jurisdiction for an offense, the prosecuting attorney, or the court pursuant to an agreement under section 48a, 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 processing a juvenile case, including the fact that a juvenile may be tried in the same manner as an adult in a designated case or waived to the court of general criminal jurisdiction.

- (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.
- (3) If the victim requests, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall give the victim notice of any scheduled court proceedings and any changes in that schedule.
- (4) If the juvenile has not already entered a plea of admission or no contest to the original charge at the preliminary hearing, 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 offense, including the victim's views about dismissal, waiver, and pretrial diversion programs, before finalizing any agreement to reduce the original charge.
- (5) A victim who receives a notice under subsection (2) and 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, or the court if an agreement under section 48a exists.
  - (b) If the juvenile is made a public ward, the department of health and human services or county juvenile agency, as applicable.
  - (c) If the juvenile is imprisoned, the department of corrections or the sheriff as directed by the prosecuting attorney.

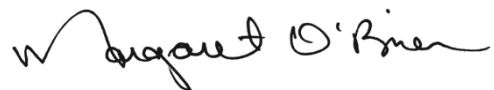
Sec. 41a. If a juvenile is ordered to be placed in a juvenile facility or sentenced to probation or to a term of imprisonment, the prosecuting attorney, or the court pursuant to an agreement under section 48a, shall provide the victim with a form the victim may submit to receive the notices from the court, prosecuting attorney, department of health and human services, or county juvenile agency, as applicable, provided for under section 45a or 48. The form must include the address of the court, prosecuting attorney, department of health and human services, county juvenile agency, department of corrections, or the sheriff, 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.

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 \_\_\_\_\_

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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.