

SUBSTITUTE FOR
HOUSE BILL NO. 5057

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending sections 61b, 66, and 78a (MCL 780.811b, 780.816, and
780.828a), section 61b as added and section 78a as amended by 2006
PA 461 and section 66 as amended by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 61b. **(1)** The duty under this ~~chapter~~**article** and under
2 section 24 of article I of the state constitution of 1963 of a
3 court, the department of corrections, the department of **health and**
4 human services, a county sheriff, or a prosecuting attorney to
5 provide a notice to a victim also applies if the case against the
6 defendant is resolved by assignment of the defendant to trainee
7 status, by a delayed sentence or deferred judgment of guilt, or in



1 another way that is not an acquittal or unconditional dismissal. In
2 performing a duty under this ~~chapter~~**article** or under section 24 of
3 article I of the state constitution of 1963, the court, department
4 of corrections, department of **health and** human services, county
5 sheriff, or prosecuting attorney may furnish information or records
6 to the victim that would otherwise be closed to public inspection,
7 including information or records described in section 14 of chapter
8 II of the code of criminal procedure, 1927 PA 175, MCL 762.14.

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

19 Sec. 66. (1) If a plea of guilty or nolo contendere is
20 accepted by the court at the time of the arraignment of the
21 defendant for a serious misdemeanor, the court shall notify the
22 prosecuting attorney of the plea and the date of sentencing within
23 48 hours after the arraignment. If no guilty or nolo contendere
24 plea is accepted at the arraignment and further proceedings will be
25 scheduled, the court shall so notify the prosecuting attorney
26 within 48 hours after the arraignment. A notice to the prosecuting
27 attorney under this subsection ~~shall~~**must** be on a separate form and
28 ~~shall~~**must** include the name, address, and telephone number of the
29 victim. The notice ~~shall not be a matter of~~**is not a** public record



1 and is exempt from disclosure under the freedom of information act,
2 1976 PA 442, MCL 15.231 to 15.246. Within 48 hours after receiving
3 this notice, the prosecuting attorney shall give to each victim a
4 written notice in plain English of each of the following:

5 (a) A brief statement of the procedural steps in the
6 processing of a misdemeanor case, including pretrial conferences.

7 (b) A specific list of the rights and procedures under this
8 article.

9 (c) A convenient means for the victim to notify the
10 prosecuting attorney that the victim chooses to exercise his or her
11 rights under this article.

12 (d) Details and eligibility requirements for compensation from
13 the crime victim services commission under 1976 PA 223, MCL 18.351
14 to 18.368.

15 (e) Suggested procedures if the victim is subjected to threats
16 or intimidation.

17 (f) The person to contact for further information.

18 (2) If requested by the victim, the prosecuting attorney shall
19 give to the victim notice of any scheduled court proceedings and
20 notice of any changes in that schedule.

21 (3) If the defendant has not already entered a plea of guilty
22 or nolo contendere at the arraignment, the prosecuting attorney
23 shall offer the victim the opportunity to consult with the
24 prosecuting attorney to obtain the views of the victim about the
25 disposition of the serious misdemeanor, including the victim's
26 views about dismissal, plea or sentence negotiations, and pretrial
27 diversion programs before finalizing any negotiation that may
28 result in a dismissal, plea or sentence bargain, or pretrial
29 diversion.



1 (4) If the case against the defendant is dismissed at any
2 time, the prosecuting attorney shall notify the victim of the
3 dismissal within 48 hours.

4 (5) A victim who receives a notice under subsection (1) or (2)
5 and who chooses to receive any notice or exercise any right under
6 this article shall keep the following persons informed of the
7 victim's current address **or address designated by the department of**
8 **the attorney general if he or she is a program participant as that**
9 **term is defined in section 3 of the address confidentiality program**
10 **act** and telephone number:

11 (a) The prosecuting attorney, until final disposition or
12 completion of the appellate process, whichever occurs later.

13 (b) The sheriff, if the defendant is imprisoned for more than
14 92 days.

15 Sec. 78a. (1) Upon the written request of a victim of a
16 serious misdemeanor, the sheriff shall mail to the victim the
17 following, as applicable, about a prisoner who has been sentenced
18 to imprisonment under the jurisdiction of the sheriff for
19 commission of that serious misdemeanor:

20 (a) Within 30 days after the request, notice of the sheriff's
21 calculation of the earliest release date of the prisoner, with all
22 potential good time or disciplinary credits considered if the
23 sentence of imprisonment exceeds 90 days. The victim may request 1-
24 time only notice of the calculation described in this subdivision.

25 (b) Notice that a prisoner has had his or her name legally
26 changed while imprisoned in the county jail or within 2 years of
27 release from the county jail.

28 (c) Notice that the prisoner has been placed on day parole or
29 work release.



1 (2) When a defendant is sentenced to probation or a term of
2 imprisonment, the prosecuting attorney shall provide the victim
3 with a form the victim may submit to receive the notices provided
4 for under this section or section 77b or 78b. The form ~~shall~~**must**
5 include the address of the court, prosecuting attorney, or
6 sheriff's department, as applicable, to which the form may be sent
7 **and a statement that the victim may use the address designated by**
8 **the department of the attorney general to receive notices if the**
9 **victim is a program participant as that term is defined in section**
10 **3 of the address confidentiality program act.**

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