

SUBSTITUTE FOR
HOUSE BILL NO. 5056

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
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:

1 Sec. 2a. **(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. 6. (1) Not later than 7 days after the defendant's
20 arraignment for a crime, but not less than 24 hours before a
21 preliminary examination, the prosecuting attorney shall give to
22 each victim a written notice in plain English of each of the
23 following:

24 (a) A brief statement of the procedural steps in the
25 processing of a criminal case.

26 (b) A specific list of the rights and procedures under this
27 article.

28 (c) A convenient means for the victim to notify the
29 prosecuting attorney that the victim chooses to exercise his or her



1 rights under this article.

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

5 (e) Suggested procedures if the victim is subjected to threats
6 or intimidation.

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

8 (2) If the victim requests, the prosecuting attorney shall
9 give the victim notice of any scheduled court proceedings and any
10 changes in that schedule.

11 (3) Before finalizing any negotiation that may result in a
12 dismissal, plea or sentence bargain, or pretrial diversion, the
13 prosecuting attorney shall offer the victim the opportunity to
14 consult with the prosecuting attorney to obtain the victim's views
15 about the disposition of the prosecution for the crime, including
16 the victim's views about dismissal, plea or sentence negotiations,
17 and pretrial diversion programs.

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

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

27 (b) The department of corrections or the sheriff, as the
28 prosecuting attorney directs, if the defendant is imprisoned.

29 (c) The department of **health and** human services or county



1 juvenile agency, as the prosecuting attorney directs, if the
2 defendant is held in a juvenile facility.

3 (d) The hospital or facility, as the prosecuting attorney
4 directs, if the defendant is hospitalized in or admitted to a
5 hospital or a facility.

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

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

26 (3) If the department of corrections determines that a
27 defendant who was, in the defendant's judgment of sentence, not
28 prohibited from being or permitted to be placed in the special
29 alternative incarceration unit established under section 3 of the



1 special alternative incarceration act, 1988 PA 287, MCL 798.13,
2 meets the eligibility requirements of section 34a(2) and (3) of the
3 corrections code of 1953, 1953 PA 232, MCL 791.234a, the department
4 of corrections shall notify the victim, if the victim has submitted
5 a written request for notification under section 19, of the
6 proposed placement of the defendant in the special alternative
7 incarceration unit not later than 30 days before placement is
8 intended to occur. In making the decision on whether or not to
9 object to the placement of the defendant in a special alternative
10 incarceration unit as required by section 34a(4) of the corrections
11 code of 1953, 1953 PA 232, MCL 791.234a, the sentencing judge or
12 the judge's successor shall review an impact statement submitted by
13 the victim under section 14.

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