

# HOUSE BILL NO. 4673

April 21, 2021, Introduced by Reps. Calley, Kahle, Slagh, Posthumus and Tyrone Carter and referred to the Committee on Rules and Competitiveness.

A bill to amend 1985 PA 87, entitled  
"William Van Regenmorter crime victim's rights act,"  
by amending sections 13 and 41 (MCL 780.763 and 780.791), section  
41 as amended by 2000 PA 503.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 13. (1) The prosecuting attorney, upon and in accordance
- 2       with the request of the victim, shall give to the victim notice of
- 3       the following:
- 4       (a) The defendant's conviction.

1 (b) The crimes for which the defendant was convicted.

2 (c) The victim's right to make a written or oral impact  
3 statement for use in the preparation of a presentence investigation  
4 report concerning the defendant.

5 (d) The address and telephone number of the probation office  
6 ~~which is to~~ **that will** prepare the presentence investigation report.

7 (e) That a presentence investigation report and any statement  
8 of the victim included in the report will be made available to the  
9 defendant unless exempted from disclosure by the court.

10 (f) The victim's right to make an impact statement at  
11 sentencing.

12 (g) The time and place of the sentencing proceeding.

13 **(h) Whether the defendant may be eligible to earn productivity**  
14 **credits under section 33a of 1893 PA 118, MCL 800.33a, that could**  
15 **reduce a sentence of imprisonment.**

16 (2) The notice given by the prosecuting attorney to the victim  
17 must be given by any means reasonably calculated to give prompt  
18 actual notice.

19 (3) A notice given under subsection (1) ~~shall~~ **must** inform the  
20 victim that his or her impact statement may include, but ~~shall~~ **is**  
21 not ~~be~~ limited to, **any of** the following:

22 (a) An explanation of the nature and extent of any physical,  
23 psychological, or emotional harm or trauma suffered by the victim.

24 (b) An explanation of the extent of any economic loss or  
25 property damage suffered by the victim.

26 (c) An opinion of the need for and extent of restitution and  
27 whether the victim has applied for or received compensation for  
28 loss or damage.

29 (d) The victim's recommendation for an appropriate sentence.

1       Sec. 41. (1) The prosecuting attorney, or, pursuant to an  
2 agreement under section 48a, the court, upon and in accordance with  
3 the request of the victim, shall give the victim notice of all of  
4 the following:

5       (a) The offenses for which the juvenile was adjudicated or  
6 convicted.

7       (b) The victim's right to make an impact statement at the  
8 disposition hearing or sentencing.

9       (c) The time and place of the disposition or sentencing  
10 proceeding.

11       **(d) Whether the juvenile may be eligible to earn productivity**  
12 **credits under section 33a of 1893 PA 118, MCL 800.33a, that could**  
13 **reduce a sentence of imprisonment.**

14       (2) If a report is to be prepared for the juvenile's  
15 disposition or for a sentencing in a proceeding that is a  
16 designated case, the person preparing the report shall give notice  
17 to the victim of all of the following:

18       (a) The victim's right to make an impact statement for use in  
19 preparing the report.

20       (b) The address and telephone number of the person who is to  
21 prepare the report.

22       (c) The fact that the report and any statement of the victim  
23 included in the report will be made available to the juvenile  
24 unless exempted from disclosure by the court.

25       (3) A notice under subsection (1) or (2) ~~shall~~**must** inform the  
26 victim that his or her impact statement may be oral or written and  
27 may include, but ~~shall~~**is** not ~~be~~ limited to, any of the following:

28       (a) An explanation of the nature and extent of any physical,  
29 psychological, or emotional harm or trauma suffered by the victim.

1           (b) An explanation of the extent of any economic loss or  
2 property damage suffered by the victim.

3           (c) An opinion of the need for and extent of restitution and  
4 whether the victim has applied for or received compensation for  
5 loss or damage.

6           (d) The victim's recommendation for an appropriate disposition  
7 or sentence.

8           Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No.\_\_\_\_ or House Bill No. 4670 (request no.  
10 00291'21) of the 101st Legislature is enacted into law.