

RIGHTS OF JUVENILE'S VICTIM



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THE APPARENT PROBLEM:

Public Act 87 of 1985 created the Crime Victim's Rights Act, which established various rights of felony victims, including the rights to receive notice of the status of a case, to make an impact statement for use in sentencing, and to receive restitution. The victim of a serious juvenile offense may suffer harm and anxiety to the same degree suffered by victims of adult crime, but the act does not apply to victims of juveniles. If, as is proposed by various House and Senate bills, delinquency proceedings in juvenile court become generally open to the public, the rights accorded victims of adult criminals under the Crime Victim's Rights Act could be extended to victims of juveniles. Many believe that this should be done.

THE CONTENT OF THE BILL:

The bill would add a new chapter to the Crime Victim's Rights Act. It would provide for victims of juvenile "felonies" (that is, offenses that if committed by an adult would be punishable by imprisonment for more than one year or expressly designated by law as felonies) the same sorts of rights given victims of adult felonies under the act. Provisions for notification of a case's status, prompt return of property, making a victim's impact statement, and restitution would parallel those established for victims of adult crime. However, restitution provisions would include authority for the court to order a juvenile's parents to pay up to \$2,500 in restitution, should a juvenile be unable to pay.

Functions assigned the prosecutor and the Department of Corrections for victims of adult crime would generally be assigned to the court and the Department of Social Services for victims of juvenile crime. If the victim had reasonable apprehension of violence or intimidation, the prosecutor could move, or in the absence of a prosecutor, the victim could request that the victim or any other witness not be compelled to provide personal identification information in court.

At present, the adult child of a deceased victim is considered a victim under the act. The bill would redefine victim to allow a deceased victim's child of at least 15 years old to be considered a victim, whether the offender was an adult or a juvenile.

The bill would take effect 90 days after enactment, and would apply only to offenses committed after its effective date.

MCL 780.752 et al.

FISCAL IMPLICATIONS:

The Office of Criminal Justice within the Department of Management and Budget estimates that the state costs for reimbursing prosecutors and the courts for implementing the bill would be about \$300,000 to \$350,000 annually. (6-1-87)

House Bill 4240 as passed by the House
Second Analysis (7-27-87)

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Sponsor: Rep. William Van Regenmortel
Committee: Judiciary

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ARGUMENTS:

For:

The bill would recognize that victims of juvenile crime suffer just as much as victims of adult crime, and would give them the ability that felony victims now have to receive information on the status of a case and to make statements to the court. In conjunction with House Bill 4558, which would provide for restitution and community service orders under the juvenile code, and House Bill 4572, which would open juvenile delinquency hearings, the bill would legitimize the rights of victims of juvenile crime, and reduce the anxiety and alienation felt by victims now excluded from the juvenile justice process.

For:

The bill would extend to the teenaged child of a deceased victim the same rights now accorded adult children. A person in the mid-teens is capable of comprehending the process and making a victim's impact statement, and should be afforded the opportunity to do so, along with the opportunity to receive restitution.

POSITIONS:

The Department of State Police supports the bill. (7-22-87)

The Michigan Council on Crime and Delinquency supports the bill. (7-22-87)

The Michigan Federation of Private Child and Family Agencies supports the bill. (7-23-87)

The Prosecuting Attorneys Association of Michigan supports the bill. (7-21-87)

The Probate Judges Association supports the bill. (7-13-87)

H.B. 4240 (7-27-87)