



**House
Legislative
Analysis
Section**

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RIGHTS OF JUVENILE'S VICTIM

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MAR 16 1988

House Bill 4240 as enrolled
Third Analysis (2-17-88)

Sponsor: Rep. William Van Regenmortel
House Committee: Judiciary
Senate Committee: Judiciary

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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 offenses the same sorts of rights given victims of adult felonies under the act. An "offense" would be any of the following: a violation of a penal law which if committed by an adult would be punishable by imprisonment for more than one year, or an offense expressly designated as a felony; any of several crimes listed by the bill, including assault, breaking and entering, and discharge of a firearm; driving under the influence of or while impaired by alcohol or a controlled substance; leaving the scene of an accident; and, a violation of a local ordinance substantially corresponding to any of the above offenses.

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. In addition, the bill would extend rights to a deceased victim's child who was at least 15 years old. (The same change with regard to victims of adult crime is being proposed by House Bill 4857.)

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.

The bill would take effect June 1, 1988, and would apply to offenses committed on or after that date.

MCL 780.781 et al.

FISCAL IMPLICATIONS:

The Office of Criminal Justice within the Department of Management and Budget estimates that state costs for reimbursing local expenses under the bill would be about \$450,000 to \$550,000 annually. (2-19-88)

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 legislative proposals to provide for restitution and community service orders under the juvenile code, and to 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.

H.B. 4240 (2-17-88)