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Senate Bill 20 (as passed by the Senate)

Sponsor: Senator Connie Binsfeld

Committee: Judiciary

Date Completed: 1-18-88

RATIONALE

In 1985, the Legislature enacted the Crime Victim's Rights Act to establish 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. Also, the Act requires the investigating law enforcement agency, within 24 hours after the arraignment, to give the victim the sheriff's phone number and notice that the victim can contact the sheriff to find out if the defendant has been released. The Act does not, however, provide for notice of a defendant's release in the future. Some consider this an oversight that should be corrected in order to protect the victim more fully.

CONTENT

The bill would amend the Crime Victim's Rights Act to require that the investigating law enforcement agency inform a felony victim that he or she may contact the sheriff's office to request notice of the defendant's release from custody. The victim could request notification from the sheriff that the defendant had been released from custody under either of the following circumstances:

- The defendant had threatened or asserted acts of physical violence or intimidation against the victim or the victim's immediate family.
- The underlying crime for which the defendant was incarcerated was first or second degree murder, criminal sexual conduct, felonious assault, assault with intent to murder, or assault with intent to do great bodily harm less than murder.

If the victim made such a request, the sheriff's office would be responsible for notifying the victim of the defendant's release. Notice would have to be given by a means reasonably calculated to give prompt actual notice. A victim who made a request would be required to keep the sheriff informed of the victim's current address and phone number.

MCL 780.755

FISCAL IMPACT

The bill would have an indeterminate impact on local units of government. The increased workload for local law enforcement agencies cannot be estimated.

ARGUMENTS**Supporting Argument**

The Crime Victim's Rights Act was enacted to address the concern that victims of crime were again victimized by a criminal justice system that not only left victims out of the process, but also subjected them to delays, financial loss, lost work time, lack of consideration, and belittling treatment. It became clear that many victims simply

wanted to know what was happening to their case, and felt that it was their right to be notified of the latest developments. While the Act instituted many procedures to involve victims in the process, it failed to provide for continuing notice to a victim of the defendant's release from custody: information that may be especially important to a victim who was physically assaulted or threatened by the defendant. By correcting this deficiency in the Act, the bill would increase the rights of crime victims. The bill also would be consistent with current law, which requires a victim to make a request if he or she wants to be notified of the defendant's release after the arraignment, the status of the case, scheduled court proceedings, the defendant's conviction, and other information concerning the status of the defendant's incarceration.

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