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**House Bill 4240 (Substitute S-1 as reported)****Sponsor:** Representative William Van Regenmorter**House Committee:** Judiciary**Senate Committee:** Judiciary**Date Completed:** 12-17-87**RATIONALE**

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 juvenile offenders. Some feel the rights accorded victims of adult criminals under the Crime Victim's Rights Act should also be extended to victims of juveniles.

**CONTENT**

House Bill 4240 (S-1) would add a new chapter to the Crime Victim's Rights Act to provide victims of offenses by juveniles with the same sorts of rights currently afforded victims of adult felons under the Act. An "offense" would mean one of the following:

- A violation for which a juvenile offender, if convicted as an adult, could be punished by more than one year's imprisonment, or an offense expressly designated to be a felony.
- Assault, assault and battery, assault with infliction of serious injury, illegal entry without breaking, accosting, enticing or soliciting a child for immoral purposes, or discharging a firearm at another, with or without injury resulting.
- A failure to stop at the scene of an auto accident that resulted in an injury to a person, driving under the influence of liquor, or driving while impaired.
- A violation of a local ordinance that substantially corresponded to one of the above offenses.

Provisions in the bill for notification of a case's status, prompt return of property, issuing a victim's impact statement, and restitution would parallel those established for victims of crimes committed by adults. Restitution provisions, however, also would include authority for the court to order a juvenile offender's parents to pay up to \$2,500 in restitution, if the juvenile were unable to pay.

In addition, the bill provides that upon request of a victim, the prosecuting attorney would have to notify the victim of the following:

- That the juvenile who had committed an offense had filed an appeal of his or her adjudication.
- A brief explanation in plain English of the appeal process.
- Whether the juvenile had been released on bail.
- The time and place of any appeal proceeding.
- The result of the appeal.

The bill's provisions would apply only to offenses committed on or after May 1, 1988, the effective date of the bill.

MCL 750.752 et al.

**SENATE COMMITTEE ACTION**

The Senate Judiciary Committee substituted House Bill 4240 (H-4) with Senate Substitute (S-1). The Senate Substitute added the definition of a "juvenile offense" to the bill, and provided for notification, upon request by a victim, of a juvenile offender's appeal of a case.

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

**ARGUMENTS****Supporting Argument**

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. 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.

**Supporting Argument**

The bill would extend to the teen-aged 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.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

H.B. 4240 (12-17-87)