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Senate Bill 1180 (as enrolled)
Sponsor: Senator William Van Regenmorter
Senate Committee: Judiciary
House Committee: Criminal Law and Corrections

PUBLIC ACT 503 of 2000

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CONTENT

The bill amended the Crime Victim's Rights Act to do the following:

- **Include additional information in the notices that must be given to crime victims before and after a defendant's trial or adjudication.**
- **Include references to criminal proceedings in provisions concerning juvenile offenders.**
- **Provide that certain information about a victim and visual representations of a victim are exempt from disclosure.**
- **Provide that a victim may not be sequestered after he or she first testifies.**
- **Allow a victim to designate another person to make an oral impact statement.**
- **Expand the payments that an order of restitution may include, and allow a court to order three times the amount of restitution if a crime results in the death or serious impairment of a body function of a victim.**
- **Specify the allocation of payments if a person is subject to a combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments.**
- **Require expedited delivery of relevant appellate court documents to the prosecuting attorney if a conviction is reversed, a sentence is vacated, a case is remanded for a new trial, or the prosecuting attorney's appeal is denied.**
- **Prohibit a juvenile's case from being diverted or otherwise removed from the adjudicative process unless the court gives written notice to the prosecuting attorney of the court's intent to remove the case and allows**

the prosecutor to address the court before the case is removed.

(Article I of the Act applies to "crime" victims, and defines "crime" as a violation of a penal law of this State for which the offender, upon conviction, may be punished by imprisonment for more than one year or an offense expressly designated by law as a felony. Article II applies to victims of juveniles who commit an "offense", and Article III applies to victims of a "serious misdemeanor". (The terms "offense" and "serious misdemeanor" are defined below in **BACKGROUND**.) A "victim" is an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, offense, or serious misdemeanor. Except as otherwise indicated in this summary, references below to a "victim" include a victim under Articles I, II, and III.)

The bill will take effect on June 1, 2001.

Definition of "Victim"

The Act's definitions of "victim" include a parent, guardian, or custodian of a victim who is less than 18 years old, if the parent, guardian, or custodian so chooses; and a parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process. The bill refers to a victim who "is neither the defendant nor incarcerated".

In addition, if a victim has suffered direct or threatened physical, financial, or emotional harm as a result of a crime, and is physically or emotionally unable to exercise the privileges and rights under the Act, the victim may designate his or her spouse, child aged 18 or older, parent, sibling, or grandparent to

act in the victim's place. The bill allows a victim to designate one of these people or any other person 18 years of age or older who is neither the defendant nor incarcerated.

The bill specifies (in Articles I and II) that an individual who is charged with a crime or offense arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under the Act. In addition (in Articles I and III), the bill provides that an incarcerated individual is not eligible to exercise the privileges and rights established for victims but may submit a written statement to the court.

Pretrial Notices to Victim

The Act requires various notices to be given to victims at different stages of the proceedings. The first notice must be given within 24 hours after the initial contact between a victim and the investigating law enforcement agency. This notice must inform the victim about the availability of emergency and medical services, the availability of victim's compensation benefits, the address and telephone number of the prosecuting attorney whom the victim should contact for information about victim's rights, and a statement that the victim may call the law enforcement agency for the status of the case. The bill requires this notice also to state, "If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call (identify law enforcement agency and telephone number) and inform them."

In addition, for victims of a serious misdemeanor, the bill provides that, if the case against the defendant is brought under a local ordinance, the law enforcement agency having responsibility for investigating the serious misdemeanor must give to the victim the name and business address of the local prosecuting attorney for the political subdivision responsible for prosecuting the case, along with the following statement: "The defendant in your case will be prosecuted under a local ordinance, rather than a state statute. Nonetheless, you have all the rights and privileges afforded to victims under the state constitution and the state crime victim's rights act."

Under the Act, the next notice must be given

within 24 hours after the arraignment of the defendant for a crime, within 48 hours after the preliminary hearing of a juvenile offender, or within 72 hours after the arrest of the defendant for a serious misdemeanor. This notice must inform the victim that he or she may contact the sheriff or juvenile facility to determine whether the defendant has been released from custody. The bill also provides that the investigating law enforcement agency promptly must notify the victim of the arrest or pretrial release of the defendant, or both, if the victim has requested that information. If the defendant is released from custody by the sheriff or juvenile facility, the sheriff or facility must notify the law enforcement agency.

The next notice must be given at least 24 hours before a preliminary examination (under Article I), within 72 hours after the prosecutor files a petition seeking to invoke the court's jurisdiction for an offense (under Article II), or within 48 hours after the prosecutor receives notice that a plea of guilty or no contest has or has not been accepted (under Article III). This notice must inform the victim of the procedural steps in processing the case, the rights and procedures under the Act, details and eligibility requirements for compensation from the Crime Victim's Services Commission, suggested procedures if the victim is subjected to threats or intimidation, and whom to contact for further information. The bill requires that this notice also give a convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under the Act.

Rights during Trial and Sentencing

Exemption from Disclosure. The bill states that, pursuant to Article I, Section 24 of the State Constitution, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the Freedom of Information Act:

- The victim's home address, home telephone number, work address, and work telephone number, unless the address is used to identify the place of the crime.
- A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.

Those exemptions do not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

Sequestration. Under the Act, a victim has the right to be present throughout the defendant's entire trial, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until he or she testifies. The bill specifies that a victim may not be sequestered after he or she first testifies.

Impact Statement. The Act provides that a victim has the right to appear and make an oral impact statement at the sentencing or disposition of the defendant. Under the bill, if the victim is physically or emotionally unable to make the oral impact statement, he or she may designate any other person who is at least 18 years old and who is neither the defendant nor incarcerated, to make the statement on the victim's behalf. The other person does not have to be an attorney.

Notices to Victim after Trial

All Victims. Under the Act, upon the victim's request, the prosecutor must notify the victim that the defendant has filed an appeal of his or her conviction (or a juvenile has filed an appeal of his or her adjudication); whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal; the time and place of any appellate court proceedings; and the result of the appeal. Under the bill, this notice also must inform the victim that the defendant has filed an appeal of his or her conviction or sentence (or a juvenile's disposition), or that the prosecuting attorney has filed an appeal.

Previously, if the prosecuting attorney was notified that a conviction (or disposition) was reversed, or the case was remanded for further proceedings, he or she had to use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecutor is notified. The bill provides, instead, the prosecuting attorney must take this action if he or she is notified that the conviction is reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecutor's appeal is denied.

In addition, the bill provides that if a conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court must expedite delivery of the relevant document to the prosecutor by any means reasonably calculated to give him or her prompt notice.

Crime Victims under Article I. Under the Act, upon the victim's request, the sheriff or the Department of Corrections (DOC) must mail to the victim certain notices about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the DOC for the crime against the victim. These include notice of the sheriff's calculation of the prisoner's earliest release date or the DOC's calculation of the prisoner's earliest parole eligibility date; notice of the prisoner's transfer or pending transfer to a minimum security facility and its address; and notice of the prisoner's release or pending release in a community residential program (CRP), under extended furlough, or any other transfer to community status. Under the bill, this notice must inform the victim of the prisoner's release or pending release in a CRP or under furlough; any other transfer to community status; any transfer from one CRP or electronic monitoring program (tether) to another; or any transfer from a CRP or tether program to a State correctional facility.

The bill also requires notice that a prisoner has been convicted of a new crime and notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole.

Victims under Article II. Under the Act, upon a victim's request, the court or the Family Independence Agency (FIA) or county juvenile agency, as applicable, must make a good faith effort to notify the victim before the juvenile is dismissed from court jurisdiction or discharged from commitment to the FIA or county juvenile agency; before the juvenile is transferred from a secure juvenile facility to a nonsecure juvenile facility; or before the juvenile has his or her name legally changed while under the court's jurisdiction or within two years after discharge from the court's jurisdiction. Under the bill, the court, FIA, or county agency must make a good faith effort

to notify the victim before the juvenile is transferred from one juvenile facility to another (not just from a secure facility to a nonsecure facility). The bill also requires notice before the juvenile is detained for having committed an act that, if committed by an adult, would be a criminal violation.

In addition, upon the victim's written request, the bill requires the sheriff or the DOC to mail to the victim the following, as applicable, about a juvenile who has been sentenced to imprisonment under the jurisdiction of the sheriff or the DOC for the offense against the victim:

- Within 30 days after the release, notice of the sheriff's calculation of the juvenile's earliest release date or the DOC's calculation of the juvenile's earliest parole eligibility date, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days. The victim may request one-time only notice of this calculation.
- Notice of the juvenile's transfer or pending transfer to a minimum security facility and its address.
- Notice of the juvenile's release or pending release in a CRP, under furlough, or any other transfer to community status; any transfer from one CRP or tether program to another; or any transfer from a CRP or tether program to a State correctional facility.
- Notice of the escape of the person accused, convicted, or imprisoned for committing an offense against the victim.
- Notice of the victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the juvenile's release on parole.
- Notice of the decision of the parole board, or any other panel having authority over the juvenile's release on parole, after a parole review.
- Notice of the release of a juvenile 90 days before the date of his or her discharge from prison, unless the notice has been otherwise provided.
- Notice of a public hearing regarding a reprieve, commutation, or pardon of the juvenile's sentence by the Governor.
- Notice that a reprieve, commutation, or pardon has been granted.
- Notice that a juvenile has had his or her name legally changed while on parole or within two years after release from parole.

(This notice requirement parallels an existing requirement under Article I, as amended by the bill.)

The bill provides that a victim's address and telephone number maintained by a sheriff or the DOC upon a victim's request for the notice described above, are exempt from disclosure under the Freedom of Information Act.

Under the bill, a victim who requests notice of an escape and the prosecuting attorney who filed the petition alleging the offense for which the juvenile is accused, detained, or under sentence must be given immediate notice of the juvenile's escape. The notice must be given by any means reasonably calculated to give prompt actual notice. If the escape occurs before the sentence is executed or before the juvenile is delivered to the FIA, county juvenile agency, sheriff, or DOC, the person in charge of the agency in charge of the juvenile's detention must give notice of the escape to the prosecuting attorney, who then is required to notify a victim who requested notice. If the juvenile is confined under sentence, the notice must be given to the victim and the prosecuting attorney by the chief administrator of the place where the juvenile is confined.

Victim's under Article III. Under the Act, upon the written request of a victim of a serious misdemeanor, the sheriff must mail to the victim certain notices about a prisoner who has been sentenced to imprisonment under the sheriff's jurisdiction for that serious misdemeanor. These include notice of the sheriff's calculation of the prisoner's earliest release date; and notice that the prisoner has had his or her name legally changed while imprisoned or within two years of release. The bill also requires notice that the prisoner has been placed on day parole or work release.

Restitution

Under the Act, when sentencing a defendant or at the dispositional hearing for a juvenile offense, the court must order the defendant to make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. (The restitution must be ordered in addition to or instead of any other penalty or disposition authorized by law, or in addition to any other penalty required by law.)

If a crime or offense results in physical or

psychological injury to a victim, an order of restitution may require the defendant to pay an amount equal to the cost of actual medical and related professional services and devices relating to physical and psychological care; the cost of actual physical and occupational therapy and rehabilitation; and the cost of psychological and medical treatment for members of the victim's family that has been incurred as a result of the crime. The bill refers to the "reasonably determined" costs of treatment and services "actually incurred and reasonably expected to be incurred", rather than the "actual" cost of treatment and services.

Also, in the case of physical or psychological injury, the Act provides that a restitution order may require the defendant to pay an amount equal to the costs of actual homemaking and child care expenses incurred as a result of the crime. Under the bill, a restitution order may require the payment of an amount equal to the "reasonably determined" costs of homemaking and child care expenses actually incurred and reasonably expected to be incurred as a result of the crime or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the crime for that homemaking and child care, based on the rates in the area for comparable services.

Further, if a deceased victim could be claimed as a dependent by his or her parent or guardian on that person's Federal, State, or local income tax return, the bill provides that the reimbursement order may require the defendant to pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement must be estimated for each year the victim could reasonably be claimed as a dependent.

In addition, under the bill, if a crime resulting in bodily harm also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to three times the amount of restitution otherwise allowed. "Serious impairment of a body function of a victim" includes, but is not limited, to one or more of the following:

- Loss of a limb or the use of a limb.
- Loss of a hand or foot or the use of a hand or foot.

- Loss of an eye or ear or the use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state lasting more than three days.
- Measurable brain damage or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of a body organ.

Under the Act, the court must order restitution to the Crime Victim Services Commission or to any individuals or entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court also must order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the crime. The bill deletes a provision that, if an entity entitled to restitution for compensating a victim or victim's estate cannot or refuses to be reimbursed for that compensation, the restitution paid for that entity must be deposited in the Crime Victim's Rights Fund or its successor fund.

Under the bill, if a person or entity entitled to restitution cannot be located or refuses to claim that restitution within two years after the date on which the person or entity could have claimed the restitution, the restitution must be deposited in the Crime Victim's Rights Fund or its successor fund. A person or entity entitled to that reimbursement, however, may claim the restitution at any time by applying to the court that originally ordered and collected it. The court must notify the Crime Victim Services Commission of the application. The Commission must approve a reduction in the court's revenue transmittal to the Fund equal to the restitution owed to the person or entity. The court then must use the reduction to reimburse the restitution to the person or entity.

Under the Act, a defendant who is required to pay restitution and who is not in willful default of the payment may petition the sentencing judge or his or her successor to modify the method of payment. The court may do so if it determines that payment under the restitution

order will impose a manifest hardship on the defendant or his or her immediate family. Under the bill, the court also must determine that modifying the method of payment will not impose a manifest hardship on the victim.

In each case in which restitution is ordered as a condition of probation, the Act requires the probation officer or juvenile caseworker assigned to the case to review it at least twice yearly to ensure that restitution is being paid as ordered. The bill also provides that, in each case in which restitution is ordered as a condition of probation, the court may order any employed defendant or juvenile to execute a wage assignment to pay the restitution. As previously provided, the officer or caseworker must review the case at least twice a year. If the restitution is ordered to be made within a specific period of time, the probation officer or caseworker must review the case at the end of that period of time to determine if it has been paid in full.

Under the Act, if the probation officer or caseworker determines that restitution is not being paid as ordered, he or she must file with the court a written report of the violation, and give a copy to the prosecuting attorney. If a motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered, the court must promptly take action necessary to compel compliance. Under the bill, a probation officer must either file the written report or petition the court for a probation violation.

The bill provides that the court may not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.

Restitution by Parent

The bill amends Article I to add language regarding payment of restitution by a juvenile's parent, as currently provided in Article II.

Under Article II, if the court determines that the juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based, to pay any

portion of the restitution that is outstanding. The order does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile must be offset by any amount paid by his or her parent.

If the court orders a parent to pay restitution, the court must take into account his or her financial resources and the burden that the payment will impose, with due regard to any other moral or legal financial obligation the parent may have. If the parent is required to pay restitution, the court must provide for payment to be made in specified installments and within a specified period of time.

A parent who has been ordered to pay restitution may petition the court for a modification of the amount owed or for a cancellation of any unpaid portion. The court must cancel all or part of the parent's obligation if the court determines that payment of the amount would impose a manifest hardship on the parent. Under the bill, the court also must determine that modifying the method of payment will not impose a manifest hardship on the victim.

In Article I, the bill defines "juvenile" as a person within the court's jurisdiction under Section 2d or 4 of the juvenile code. (Section 2d applies to juveniles accused of a "designated offense" (described below). Section 4 applies to juveniles over whom the family court has waived jurisdiction to the court having general criminal jurisdiction of the offense.)

Allocation of Payments

Under the bill, if a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, etc. must be allocated as described below.

Except as otherwise provided, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of each payment collected by the court from that person must be applied to victim payments, and the balance must be applied to the payment of fines, costs, supervision fees, and other assessments or payments. If any fines,

costs, supervision fees, or other assessments or payments remain unpaid after all of the victim payments are paid, any additional money collected must be applied to those fines, costs, etc. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments are paid, any additional money collected must be applied toward those victim payments.

In cases involving prosecutions for violations of State law, money allocated above for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments, must be applied in the following order of priority:

- Costs.
- Fines.
- Probation or parole supervision fees.
- Assessments and other payments, including reimbursement to third parties who reimbursed a victim for his or her loss.

In cases involving prosecutions for violations of local ordinances, money allocated above for payment of fines, costs, and assessments or payments other than victim payments must be applied in the following order of priority:

- Fines and costs.
- Assessments and other payments.

As used in these provisions, "victim payment" means restitution ordered to be paid to the victim; to the victim's estate, but not to a person who reimbursed the victim for his or her loss; or an assessment ordered under the Crime Victims Rights Services Act.

Additional Provisions under Article II

The bill defines "court" as the family division of the circuit court (family court), rather than the juvenile division of the probate court.

Article II defines "juvenile" as an individual alleged or found to be within the family court's jurisdiction under Section 2(a)(1) of the juvenile code (a juvenile accused of violating a State law, municipal ordinance, or law of the United States). The bill specifies that this term includes, but is not limited to, an individual in a designated case. The bill defines "designated case" as a case designated as a case in which the juvenile is to be tried in the same manner as an adult

under Section 2d of the juvenile code. (Under Section 2d, in a petition alleging that a juvenile is within the family court's jurisdiction for a "specified juvenile violation" (as defined in the code), the prosecuting attorney may designate the case as one in which the juvenile is to be tried in the same manner as an adult. If a petition alleges that a juvenile is within the court's jurisdiction for an offense other than a specified juvenile violation, the prosecuting attorney may request that the court designate the case as one in which the juvenile is to be tried in the same manner as an adult; and the court may designate the case after a hearing. If a case is designated under Section 2d, the proceedings are criminal proceedings. After a judgment of conviction, the court must enter a disposition or impose any sentence as authorized under the code.)

Under the Act, the prosecuting attorney or the court, upon the victim's request, must give the victim notice of the offenses for which the juvenile was adjudicated, the victim's right to make an impact statement at the dispositional hearing, and the time and place of the disposition. The bill requires notice of the offenses for which the juvenile was adjudicated or convicted, the victim's right to make an impact statement at the dispositional hearing or sentencing, and the time and place of the disposition or sentencing proceeding.

If a report is to be prepared for the juvenile's disposition, the Act requires the person preparing the report to notify the victim of his or her right to make an impact statement for use in preparing the report; the address and telephone number of the person who is to prepare the report; and that the report and any statement of the victim in it will be available to the juvenile unless exempted from disclosure by the court. Under the bill, these requirements apply to a report other than a presentence investigation report. The bill added the same requirements concerning a presentence investigation report if the juvenile is convicted of an offense in a designated case; the prosecutor or court must give this notice.

The bill requires the court to accept a petition submitted by a prosecuting attorney that seeks to invoke the court's jurisdiction for a juvenile offense, unless the court finds on the record that the petitioner's allegations are insufficient to support a claim of jurisdiction under Section 2(a)(1) of the juvenile code.

Previously, under the Act, before placing a juvenile in a pretrial diversion program for committing a violation that if committed by an adult would be a crime or a serious misdemeanor, the court had to give the victim an opportunity to be heard regarding that placement. The victim had the right to make a statement at the hearing or submit a written statement, or both. The bill deleted these provisions.

The bill provides that, except for a dismissal based upon a judicial finding on the record that the petition and the facts supporting it are insufficient to support a claim of jurisdiction under Section 2(a)(1) of the juvenile code, a juvenile's case may not be diverted, placed on the consent calendar, or made subject to any other prepetition or preadjudication procedure removing the case from the adjudicative process unless the court gives written notice to the prosecuting attorney of the court's intent to remove the case from the adjudication process and allows him or her the opportunity to address the court on that issue before the case is removed from the adjudicative process. Before any formal or informal action is taken, the prosecutor must notify the victim of the time and place of the hearing on the proposed removal of the case from the adjudicative process. The victim has the right to attend the hearing and address the court at that hearing. As part of any other order removing a case from the adjudicative process, the court must order the juvenile or his or her parents to provide full restitution.

Also, before finalizing any informal disposition, preadjudication, or expedited procedure, the prosecuting attorney must offer the victim the opportunity to consult with him or her to obtain the views of the victim about that manner of disposing of the case.

The Act provides that, if a juvenile applies to have an adjudication for an offense that if committed by an adult would be an assaultive crime or serious misdemeanor set aside, and the prosecuting attorney knows the victim's name, the prosecutor must give the victim written notice of the application and forward a copy of it to the victim. The victim has the right to appear at any proceeding concerning that adjudication and make an oral or written statement. Under the bill, that provision also applies to an application to have a conviction for an assaultive crime or serious

misdemeanor set aside.

BACKGROUND

History of Crime Victims' Rights Legislation

The Crime Victim's Rights Act was created by Public Act 87 of 1985. It established various rights of victims of felonies, including the right to be notified of a case's status, to make an impact statement for use in sentencing, and to receive restitution. Initially, the Act addressed only victims of felonies. Public Acts 21 and 22 of 1988 added Articles II and III to the Crime Victim's Rights Act to extend it to victims of juvenile offenses or serious misdemeanors.

In November 1988, the State's voters approved a constitutional amendment (pursuant to House Joint Resolution P of 1987-88), to delineate victims' rights in the Michigan Constitution. Article I, Section 24 of the Constitution specifies the rights of crime victims to be treated with fairness and respect for their dignity and privacy; to timely disposition of the case following arrest of the accused; to be reasonably protected from the accused throughout the criminal justice process; to notification of court proceedings; to attend the trial and all other court proceedings the accused has the right to attend; to confer with the prosecution; to make a statement to the court at sentencing; to restitution; and to information about the conviction, sentence, imprisonment, and release of the accused.

Public Acts 341 through 348 of 1993 amended the Crime Victim's Rights Act and various other acts relating to crime victims' rights and compensation to revise victim notice provisions; require, rather than allow, courts to order restitution, including restitution by juvenile offenders or their parents; allow restitution orders to require payment of a victim's homemaking and child care expenses; revise conviction expunction procedures; establish an allocation priority for the distribution of money collected for victim payments, fines, costs, and assessments; increase Crime Victim's Rights Fund assessment amounts and impose them on juvenile offenders; allow courts to retain 10% of Crime Victim's Rights Fund assessments for the courts' funding units; and provide for the collection of fines, costs, restitution, and assessments out of a defendant's cash bond or bail deposit.

Additional amendments to the Crime Victim's Rights Act made by Public Act 105 of 1996 require notice to a victim when a prisoner legally changes his or her name while on parole or within two years of release from parole, when a serious misdemeanant changes his or her name while in a county jail or within two years of release, or when a juvenile offender changes his or her name while under the court's jurisdiction or within two years of release from the court's jurisdiction. Public Act 562 of 1996 eliminated a court's authority to order partial, rather than full, restitution, and made other changes regarding restitution.

More recently, Public Act 232 of 1998 amended the Crime Victim's Rights Act to allow a court to order the payment of restitution as a condition of sentencing, and to impose imprisonment if a defendant fails to comply with a restitution order.

Article II & Article III: Applicable Offenses

Article II defines "offense" as a violation of a penal law of this State for which a juvenile offender, if convicted as an adult, may be punished by imprisonment for more than one year or an offense expressly designated by law as a felony. The definition also includes the following:

- Assault and battery, including domestic violence.
- Assault with infliction of serious injury, including aggravated domestic violence.
- Breaking and entering, or illegal entry.
- Child abuse in the fourth degree.
- Enticing a child for immoral purposes.
- Discharge of a firearm intentionally aimed at a person.
- Discharge of an unintentionally aimed firearm resulting in injury.
- Indecent exposure.
- Stalking.
- Leaving the scene of a personal injury accident, or operating a vehicle or a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death of another individual.
- Selling or furnishing alcoholic liquor to an individual under 21 years old, if the violation results in physical injury or death to any individual.

The definition of "serious misdemeanor" in Article III contains the same offenses listed above, as well as a violation charged as a crime or serious misdemeanor but subsequently reduced to or pleaded to as a misdemeanor.

MCL 780.2 et al.

Legislative Analyst: P. Affholter

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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.