



Senate Fiscal Agency
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House Bills 5262 and 5263 (as passed by the House)
Sponsor: Representative Wayne Schmidt (H.B. 5262)
Representative Margaret E. O'Brien (H.B. 5263)
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 2-13-14

CONTENT

House Bills 5262 and 5263 would amend the definition of "victim" in Article 2 and Article 3 of the Crime Victim's Rights Act, respectively, to include, for the purpose of making an impact statement only, a parent, guardian, or custodian of a victim who was less than 18 years old at the time the crime was committed and was not the defendant or incarcerated, if the parent, guardian, or custodian so chose.

Article 2 provides for rights of a victim of certain juvenile offenses. These include a violation of a penal law 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, and certain other violations of law listed in Article 2. Article 3 provides for rights of a victim of a "serious misdemeanor". That term includes specific violations of law listed in Article 3. Under both articles, the rights of a victim include the right to make an impact statement that will be included in the presentence investigation report, and the right to make an oral impact statement at sentencing.

Articles 2 and 3 define "victim" as an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense committed by a juvenile or a serious misdemeanor, respectively, except as provide for other individuals. These include a parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent guardian, or custodian so chooses. For the purpose of making an impact statement only, the bills also would include a parent, guardian, or custodian of a victim who was less than 18 years old at the time the crime was committed and was not the defendant or incarcerated, if the parent, guardian, or custodian so chose.

The bills would take effect on July 1, 2014.

MCL 780.781 (H.B. 5262)
780.811 (H.B. 5263)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: John Maxwell

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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.