

EXPAND PERSONS ELIGIBLE TO GIVE VICTIM IMPACT STATEMENT

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House Bill 5798 (reported from committee as substitute H-1)
Sponsor: Rep. Thomas A. Albert
Committee: Law and Justice
Complete to 5-24-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5798 would amend the William Van Regenmorter Crime Victim's Rights Act to expand the definition of victim for the purpose of victim impact statements.

Article 1 of the Crime Victim's Rights Act provides for rights of a victim of a crime that either is designated by law as a felony or is punishable by imprisonment for more than one year. Article 2 provides for rights of a victim of certain juvenile offenses. Article 3 provides for rights of a victim of a "serious misdemeanor," which includes specific violations of law listed in Article 3.

The bill would amend Articles 1, 2, and 3 to allow an individual listed below, as long as he or she is not a defendant in the case, to make a victim impact statement if the victim is deceased, if the victim is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process, or if the victim consents to the designation of an individual listed below as a victim for purposes of making a victim impact statement only:

- The spouse of the victim.
- A child of the victim if the child is 18 years of age or older.
- A parent of the victim.
- The guardian or custodian of a child of the victim if the child is less than 18 years of age.
- A sibling of the victim.
- A grandparent of the victim.
- A guardian or custodian of the victim if the victim is less than 18 years of age at the time of the commission of the crime and if that guardian or custodian is not incarcerated.

Under current law, "a parent, guardian, or custodian of a victim who is less than 18 years of age at the time of the commission of the crime and who is neither the defendant nor incarcerated" may give a victim impact statement. The bill, as described above, would continue to prohibit an incarcerated guardian or custodian of a minor victim from providing a victim impact statement, but would allow a victim's parent to provide one whether incarcerated or not.

The bill would take effect 90 days after enactment.

MCL 780.752, 780.781, and 780.811

FISCAL IMPACT:

House Bill 5798 would have an indeterminate fiscal impact on the state and on local units of government. Expanding eligibility for victim impact statements could lead to additional court cases and subsequent convictions. Information is not available on the number of convictions that would result under provisions of the bill.

New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Increased costs could be offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

The following organizations indicated support for the bill:

- Department of Attorney General (4-17-18)
- Michigan Domestic and Sexual Violence Prevention and Treatment Board (5-22-18)
- American Association of University Women (4-18-18)
- Michigan Catholic Conference (4-18-18)
- Michigan Coalition to End Domestic and Sexual Violence (4-18-18)
- Wayne County SAFE Program (4-23-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.