



**Senate Fiscal Agency**  
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**BILL ANALYSIS**

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House Bill 5798 (Substitute S-1 as reported)  
Sponsor: Representative Thomas A. Albert  
House Committee: Law and Justice  
Senate Committee: Judiciary

**CONTENT**

The bill would amend the Crime Victim's Right Act to allow additional individuals to submit or make a victim impact statement if a victim were deceased, were mentally incapacitated, or consented to the designation of another individual.

Under the Act, the victim of a crime has the right to appear and make an oral impact statement at the defendant's sentencing, or at a juvenile's disposition or sentencing. For the purpose of making an impact statement, the definition of "victim" includes a parent, guardian, or custodian of a victim who is less than 18 years old at the time of the commission of the crime and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian chooses to make a statement. The bill would delete this provision.

Under the bill, for the purpose of submitting or making an impact statement, if the victim were deceased, were so mentally incapacitated that he or she was unable to understand or participate in the legal process, or consented to the designation, "victim" would include the following individuals other than the defendant or juvenile:

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

MCL 780.752 et al.

Legislative Analyst: Jeff Mann

**FISCAL IMPACT**

The bill is not expected to have a significant impact on State or local courts. By expanding the circumstances under which additional individuals may make or submit victim impact statements, and the categories of people who may make or submit the statements, the bill has the potential to increase criminal sentences and possibly guilty pleas. The increase in sentences and convictions cannot be determined, and could be offset by court-ordered fines and costs.

Date Completed: 6-7-18

Fiscal Analyst: Michael Siracuse