

Legislative Analysis



PROVIDE VICTIM ORAL IMPACT STATEMENT REMOTELY

Phone: (517) 373-8080
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House Bill 5681 as reported by committee

Sponsor: Rep. Greg VanWoerkom

Committee: Judiciary

Complete to 6-15-22

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

SUMMARY:

House Bill 5681 would amend the William Van Regenmorter Crime Victim's Rights Act to allow a victim oral impact statement to be made remotely.

Currently, a victim has the right to appear and make an oral impact statement at the defendant's sentencing or juvenile's disposition or sentencing. A victim who is physically or emotionally unable to make the oral impact statement may designate an adult (but not the defendant or someone who is incarcerated) to make it on the victim's behalf. The defendant or juvenile must be physically present in the courtroom during an oral impact statement, unless the court determines that the defendant or juvenile is disruptive or a threat to anyone's safety. In making this determination, the court may consider any relevant statement provided by a victim as to the defendant's or juvenile's physical presence during that victim's oral impact statement.

The bill would amend the above provisions to additionally allow the victim to choose to provide the oral impact statement remotely.

MCL 780.795 et seq.

FISCAL IMPACT:

House Bill 5681 will have no fiscal impact on the state or on local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (2-1-22):

- Prosecuting Attorneys Association of Michigan
- Michigan Coalition to End Domestic and Sexual Violence

The following entities indicated support for the bill:

- Michigan Domestic and Sexual Violence Prevention and Treatment Board (6-7-22)
- State Bar of Michigan (6-7-22)
- Michigan Association of Counties (6-7-22)
- Michigan Sheriffs' Association (2-1-22)
- Michigan Poverty Law Program (2-1-22)
- The Army of Survivors, Inc. (6-7-22)

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