

HOUSE BILL NO. 5681

January 18, 2022, Introduced by Reps. VanWoerkom and Filler and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 15, 43, and 75 (MCL 780.765, 780.793, and 780.825), as amended by 2018 PA 153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 15. (1) The victim has the right to appear and make an
2 oral impact statement at the sentencing of the defendant. If the
3 victim is physically or emotionally unable to make the oral impact
4 statement, the victim may designate any other person 18 years of
5 age or older who is neither the defendant nor incarcerated to make

1 the statement on his or her behalf. The other person need not be an
2 attorney. **The victim may elect to remotely provide the oral impact**
3 **statement under this section.**

4 (2) Unless the court has determined, in its discretion, that
5 the defendant is behaving in a disruptive manner or presents a
6 threat to the safety of any individuals present in the courtroom,
7 the defendant must be physically present in the courtroom at the
8 time a victim makes an oral impact statement under subsection (1).
9 In making its determination under this subsection, the court may
10 consider any relevant statement provided by the victim regarding
11 the defendant being physically present during that victim's oral
12 impact statement. This subsection applies to cases in which the
13 sentencing of the defendant occurs ~~on or after the effective date~~
14 ~~of the amendatory act that added this subsection.~~**May 22, 2018.**

15 (3) ~~The 2018 amendatory act that PA 153, which~~ amended this
16 section and sections 43 and 75, ~~shall be known and may be cited as~~
17 the "Rebekah Bletsch law".

18 Sec. 43. (1) The victim has the right to appear and make an
19 oral impact statement at the juvenile's disposition or sentencing.
20 If the victim is physically or emotionally unable to make the oral
21 impact statement, the victim may designate any other person 18
22 years of age or older who is neither the defendant nor incarcerated
23 to make the statement on his or her behalf. The other person need
24 not be an attorney. **The victim may elect to remotely provide the**
25 **oral impact statement under this section.**

26 (2) ~~Upon~~**On** request, ~~the victim shall be notified by the~~
27 prosecuting attorney, or, ~~pursuant to~~ **in accordance with** an
28 agreement under section 48a, the court, **shall notify the victim** of
29 the disposition of the juvenile's offense not more than 30 days

1 after the disposition is made.

2 (3) Unless the court has determined, in its discretion, that
3 the juvenile is behaving in a disruptive manner or presents a
4 threat to the safety of any individuals present in the courtroom,
5 the juvenile must be physically present in the courtroom at the
6 time a victim makes an oral impact statement under subsection (1).
7 In making its determination under this subsection, the court may
8 consider any relevant statement provided by the victim regarding
9 the juvenile being physically present during that victim's oral
10 impact statement. This subsection applies to cases in which the
11 sentencing of the juvenile occurs ~~on or after the effective date of~~
12 ~~the amendatory act that added this subsection.~~ **May 22, 2018.**

13 (4) ~~The 2018 amendatory act that~~ **PA 153, which** amended this
14 section and sections 15 and 75, ~~shall be known and~~ may be cited as
15 the "Rebekah Bletsch law".

16 Sec. 75. (1) If no presentence report is prepared, the court
17 shall notify the prosecuting attorney of the date and time of
18 sentencing at least 10 days ~~prior to~~ **before** the sentencing. The
19 victim has the right to submit a written impact statement and has
20 the right to appear and make an oral impact statement at the
21 sentencing of the defendant. If the victim is physically or
22 emotionally unable to make the oral impact statement, the victim
23 may designate any other person 18 years of age or older who is
24 neither the defendant nor incarcerated to make the statement on his
25 or her behalf. The other person need not be an attorney. **The victim**
26 **may elect to remotely provide the oral impact statement under this**
27 **section.** The court shall consider the victim's statement in
28 imposing sentence on the defendant.

29 (2) Unless the court has determined, in its discretion, that

1 the defendant is behaving in a disruptive manner or presents a
2 threat to the safety of any individuals present in the courtroom,
3 the defendant must be physically present in the courtroom at the
4 time a victim makes an oral impact statement under subsection (1).
5 In making its determination under this subsection, the court may
6 consider any relevant statement provided by the victim regarding
7 the defendant being physically present during that victim's oral
8 impact statement. This subsection applies to cases in which the
9 sentencing of the defendant occurs ~~on or after the effective date~~
10 ~~of the amendatory act that added this subsection.~~ **May 22, 2018.**

11 (3) ~~The 2018 amendatory act that~~ **PA 153, which** amended this
12 section and sections 15 and 43, ~~shall be known and may be cited as~~
13 the "Rebekah Bletsch law".