

# HOUSE BILL NO. 5058

October 08, 2019, Introduced by Reps. Bolden, Pagan, Guerra, Manoogian, Clemente, Sneller, Hoadley, Rendon, Koleszar, Anthony, Stone, Kuppa, Wittenberg, Hood, Hammoud, Warren, Hope, Cynthia Johnson, Sowerby, Greig, Yaroch, Garrett, Lasinski, Brenda Carter and Yancey 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 31a, 36, and 41a (MCL 780.781a, 780.786, and 780.791a), section 31a as added and section 41a as amended by 2006 PA 461 and section 36 as amended by 2000 PA 503.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 31a. **(1)** The duty under this ~~chapter~~**article** and under
- 2 section 24 of article I of the state constitution of 1963 of a
- 3 court, the department of corrections, the department of **health and**



1 human services, a county sheriff, or a prosecuting attorney to  
2 provide a notice to a victim also applies if the case against the  
3 defendant is resolved by assignment of the defendant to trainee  
4 status, by a delayed sentence or deferred judgment of guilt, or in  
5 another way that is not an acquittal or unconditional dismissal. In  
6 performing a duty under this ~~chapter~~**article** or under section 24 of  
7 article I of the state constitution of 1963, the court, department  
8 of corrections, department of **health and** human services, county  
9 sheriff, or prosecuting attorney may furnish information or records  
10 to the victim that would otherwise be closed to public inspection,  
11 including information or records described in section 14 of chapter  
12 II of the code of criminal procedure, 1927 PA 175, MCL 762.14.

13 **(2) In performing a duty to provide notice by mail under this**  
14 **article or under section 24 of article I of the state constitution**  
15 **of 1963, the court, department of corrections, department of health**  
16 **and human services, county sheriff, or prosecuting attorney shall**  
17 **mail the notice to the address provided by the victim. If the**  
18 **victim is a program participant as that term is defined in section**  
19 **3 of the address confidentiality program act, the victim may**  
20 **provide the address designated by the department of the attorney**  
21 **general.**

22 Sec. 36. (1) The court shall accept a petition submitted by a  
23 prosecuting attorney that seeks to invoke the court's jurisdiction  
24 for a juvenile offense, unless the court finds on the record that  
25 the petitioner's allegations are insufficient to support a claim of  
26 jurisdiction under section 2(a)(1) of chapter XIIIA of the probate  
27 code of 1939, 1939 PA 288, MCL 712A.2.

28 (2) Within 72 hours after the prosecuting attorney files or  
29 submits a petition seeking to invoke the court's jurisdiction for



1 an offense, the prosecuting attorney, or the court pursuant to an  
2 agreement under section 48a, shall give to each victim a written  
3 notice in plain English of each of the following:

4 (a) A brief statement of the procedural steps in processing a  
5 juvenile case, including the fact that a juvenile may be tried in  
6 the same manner as an adult in a designated case or waived to the  
7 court of general criminal jurisdiction.

8 (b) A specific list of the rights and procedures under this  
9 article.

10 (c) A convenient means for the victim to notify the  
11 prosecuting attorney that the victim chooses to exercise his or her  
12 rights under this article.

13 (d) Details and eligibility requirements for compensation from  
14 the crime victim services commission under 1976 PA 223, MCL 18.351  
15 to 18.368.

16 (e) Suggested procedures if the victim is subjected to threats  
17 or intimidation.

18 (f) The person to contact for further information.

19 (3) If the victim requests, the prosecuting attorney, or the  
20 court pursuant to an agreement under section 48a, shall give the  
21 victim notice of any scheduled court proceedings and any changes in  
22 that schedule.

23 (4) If the juvenile has not already entered a plea of  
24 admission or no contest to the original charge at the preliminary  
25 hearing, the prosecuting attorney shall offer the victim the  
26 opportunity to consult with the prosecuting attorney to obtain the  
27 victim's views about the disposition of the offense, including the  
28 victim's views about dismissal, waiver, and pretrial diversion  
29 programs, before finalizing any agreement to reduce the original



1 charge.

2 (5) A victim who receives a notice under subsection ~~(1)~~ **(2)**  
3 and chooses to receive any notice or exercise any right under this  
4 article shall keep the following persons informed of the victim's  
5 current address **or address designated by the department of the**  
6 **attorney general if he or she is a program participant as that term**  
7 **is defined in section 3 of the address confidentiality program act**  
8 and telephone number:

9 (a) The prosecuting attorney, or the court if an agreement  
10 under section 48a exists.

11 (b) If the juvenile is made a public ward, the ~~family~~  
12 ~~independence agency~~ **department of health and human services** or  
13 county juvenile agency, as applicable.

14 (c) If the juvenile is imprisoned, the department of  
15 corrections or the sheriff as directed by the prosecuting attorney.

16 Sec. 41a. When a juvenile is ordered to be placed in a  
17 juvenile facility or sentenced to probation or to a term of  
18 imprisonment, the prosecuting attorney, or the court pursuant to an  
19 agreement under section 48a, shall provide the victim with a form  
20 the victim may submit to receive the notices from the court,  
21 prosecuting attorney, department of **health and** human services, or  
22 county juvenile agency, as applicable, provided for under section  
23 45a or 48. The form ~~shall~~ **must** include the address of the court,  
24 prosecuting attorney, department of **health and** human services,  
25 county juvenile agency, department of corrections, or the sheriff,  
26 as applicable, to which the form may be sent **and a statement that**  
27 **the victim may use the address designated by the department of the**  
28 **attorney general to receive notices if the victim is a program**  
29 **participant as that term is defined in section 3 of the address**



**1 confidentiality program act.**

2           Enacting section 1. This amendatory act does not take effect  
3 unless Senate Bill No. 70 of the 100th Legislature is enacted into  
4 law.

