

HOUSE BILL No. 4040

January 22, 2013, Introduced by Rep. Jenkins 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 19, 20, and 21 (MCL 780.769, 780.770, and
780.771), as amended by 2005 PA 184.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Upon the victim's written request, the sheriff or
2 the department of corrections shall mail to the victim the
3 following, as applicable, about a prisoner who has been sentenced
4 to imprisonment under the jurisdiction of the sheriff or the
5 department for the crime against that victim:

6 (a) Within 30 days after the request, notice of the sheriff's
7 calculation of the prisoner's earliest release date or the

1 department's calculation of the prisoner's earliest parole
2 eligibility date, with all potential good time or disciplinary
3 credits considered, if the sentence of imprisonment exceeds 90
4 days.

5 (b) Notice of the prisoner's transfer or pending transfer to a
6 minimum security facility and the facility's address.

7 (c) Notice of the prisoner's release or pending release in a
8 community residential program or under furlough; any other transfer
9 to community status; any transfer from 1 community residential
10 program or electronic monitoring program to another; or any
11 transfer from a community residential program or electronic
12 monitoring program to a state correctional facility.

13 (d) Notice ~~of the escape of~~ **THAT** the person accused,
14 convicted, or imprisoned for committing a crime against the victim
15 **HAS ABSCONDED WHILE ON BAIL OR OTHER RELEASE OR HAS ESCAPED FROM**
16 **CUSTODY**, as provided in section 20.

17 (e) Notice of the victim's right to address or submit a
18 written statement for consideration by a parole board member or a
19 member of any other panel having authority over the prisoner's
20 release on parole, **AND TO TESTIFY AND PRESENT EXHIBITS AT ANY**
21 **PAROLE OR COMMUTATION HEARING**, as provided in section 21.

22 (f) Notice of the decision of the parole board, or any other
23 panel having authority over the prisoner's release on parole, after
24 a parole review, as provided in section 21.

25 (g) Notice of the release of a prisoner 90 days before the
26 date of the prisoner's discharge from prison, unless the notice has
27 been otherwise provided under this article.

1 (H) NOTICE THAT THE PRISONER HAS APPLIED FOR A REPRIEVE,
2 COMMUTATION, OR PARDON.

3 (I) ~~(h)~~—Notice of a public hearing under section 44 of the
4 corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a
5 reprieve, commutation, or pardon of the prisoner's sentence by the
6 governor.

7 (J) ~~(i)~~—Notice that a reprieve, commutation, or pardon has
8 been granted **OR DENIED**.

9 (K) ~~(j)~~—Notice that a prisoner has had his or her name legally
10 changed while on parole or within 2 years after release from
11 parole.

12 (L) ~~(k)~~—Notice that a prisoner has been convicted of a new
13 crime.

14 (M) ~~(l)~~—Notice that a prisoner has been returned from parole
15 status to a correctional facility due to an alleged violation of
16 the conditions of his or her parole.

17 (N) NOTICE THAT THE PRISONER, INCLUDING A PAROLEE, HAS DIED.

18 (2) A victim's address and telephone number maintained by a
19 sheriff or the department of corrections upon a request for notice
20 under this section are exempt from disclosure under the freedom of
21 information act, 1976 PA 442, MCL 15.231 to 15.246.

22 Sec. 20. (1) The person designated in subsections (2) to (4)
23 shall give a victim who requests notice and the prosecuting
24 attorney who is prosecuting or has prosecuted the crime for which a
25 defendant is detained, under sentence, hospitalized, or admitted to
26 a facility immediate notice of the escape of the defendant accused,
27 convicted, imprisoned, hospitalized, or admitted **TO A FACILITY** for

1 committing a crime against the victim. The notice shall be given by
2 any means reasonably calculated to give prompt actual notice.

3 (2) If an ~~escape for which a notice~~ **IS REQUIRED** under this
4 section ~~is required occurs~~ **AND THE PRISONER ABSCONDS WHILE ON BAIL**
5 **OR OTHER RELEASE OR ESCAPES FROM CUSTODY** before sentence is
6 executed or before the defendant is delivered to the department of
7 corrections, hospitalized, or admitted to a facility, the chief law
8 enforcement officer of the agency in charge of the person's
9 detention shall give notice ~~of the escape~~ to the prosecuting
10 attorney **THAT THE PRISONER HAS ABSCONDED OR ESCAPED**, who shall then
11 give notice ~~of the escape~~ to the victim who requested **THAT** notice.
12 **THE NOTICE SHALL BE PROVIDED TO THE VICTIM WITHIN 24 HOURS AFTER**
13 **THE PRISONER IS REPORTED TO HAVE ABSCONDED OR ESCAPED.**

14 (3) If the defendant is confined under a sentence, the notice
15 required under this section shall be given by the chief
16 administrator of the place in which the prisoner is confined.

17 (4) If the defendant is hospitalized under an order of
18 hospitalization or admitted to a facility under an order of
19 admission, the notice required under this section shall be given by
20 the director of the hospital in which the defendant is hospitalized
21 or by the director of the facility to which the defendant is
22 admitted.

23 Sec. 21. (1) A victim has the right to address or submit a
24 written statement for consideration by a parole board member or a
25 member of any other panel having authority over the prisoner's
26 release on parole **AND TO TESTIFY AND PRESENT EXHIBITS AT ANY PAROLE**
27 **OR COMMUTATION HEARING.**

1 (2) Not less than 30 days before a review of the prisoner's
2 release, a victim who has requested notice under section 19(1)(f)
3 shall be given written notice by the department of corrections
4 informing the victim of the pending review and of victims' rights
5 under this section. The victim, at his or her own expense, may be
6 represented by counsel at the review.

7 (3) A victim shall receive notice of the decision of the board
8 or panel and, if applicable, notice of the date of the prisoner's
9 release on parole. Notice shall be mailed within a reasonable time
10 after the board or panel reaches its decision but not later than 14
11 days after the board or panel has reached its decision. The notice
12 shall include a statement of the victim's right to appeal a parole
13 decision, as allowed under section 34 of the corrections code of
14 1953, 1953 PA 232, MCL 791.234.

15 (4) A record of an oral statement or a written statement made
16 under subsection (1) is exempt from disclosure under the freedom of
17 information act, 1976 PA 442, MCL 15.231 to 15.246.