

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 1180**

A bill to amend 1985 PA 87, entitled  
"Crime victim's rights act,"  
by amending sections 2, 3, 5, 6, 8, 11, 13a, 14, 15, 16, 18a, 19,  
21, 31, 32, 35, 36, 38, 39, 41, 41a, 42, 43, 44, 46, 46a, 48, 61,  
63, 65, 66, 68, 71, 74, 75, 76, 78, and 78a (MCL 780.752,  
780.753, 780.755, 780.756, 780.758, 780.761, 780.763a, 780.764,  
780.765, 780.766, 780.768a, 780.769, 780.771, 780.781, 780.782,  
780.785, 780.786, 780.788, 780.789, 780.791, 780.791a, 780.792,  
780.793, 780.794, 780.796, 780.796a, 780.798, 780.811, 780.813,  
780.815, 780.816, 780.818, 780.821, 780.824, 780.825, 780.826,  
780.828, and 780.828a), sections 2, 6, 13a, 31, 36, 41a, and 48  
as amended by 1998 PA 523, sections 3, 5, 18a, 32, 35, 41, 43,  
46, 63, 66, and 78 as amended and section 46a as added by 1993  
PA 341, sections 16 and 76 as amended by 1998 PA 232, sections 19  
and 78a as amended by 1996 PA 105, sections 38, 39, and 42 as

added by 1988 PA 22, section 44 as amended by 1996 PA 562, section 61 as amended by 1996 PA 82, and sections 65, 68, 71, 74, and 75 as added by 1988 PA 21, and by adding sections 16a, 36b, 44a, and 76a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) ~~As~~ EXCEPT AS OTHERWISE DEFINED IN THIS ARTI-  
2 CLE, AS used in this article:

3       (a) "County juvenile agency" means that term as defined in  
4 section 2 of the county juvenile agency act, 1998 PA 518,  
5 MCL 45.622.

6       (b) "Crime" means a violation of a penal law of this state  
7 for which the offender, upon conviction, may be punished by  
8 imprisonment for more than 1 year or an offense expressly desig-  
9 nated by law as a felony.

10       (c) "Defendant" means a person charged with or convicted of  
11 committing a crime against a victim.

12       (d) "Final disposition" means the ultimate termination of  
13 the criminal prosecution of a defendant including, but not  
14 limited to, dismissal, acquittal, or imposition of sentence by  
15 the court.

16       (e) "Juvenile" means a person within the jurisdiction of the  
17 circuit court under section 606 of the revised judicature act of  
18 1961, 1961 PA 236, MCL 600.606.

19       (f) "Juvenile facility" means a county facility, institution  
20 operated as an agency of the county or the family division of  
21 circuit court, or an institution or agency described in the youth

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1 rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309,  
2 to which a juvenile has been committed or in which a juvenile is  
3 detained.

4 (g) "Person" means an individual, organization, partnership,  
5 corporation, or governmental entity.

6 (h) "Prisoner" means a person who has been convicted and  
7 sentenced to imprisonment or placement in a juvenile facility for  
8 having committed a crime or an act that would be a crime if com-  
9 mitted by an adult against a victim.

10 (i) "Prosecuting attorney" means the prosecuting attorney  
11 for a county, an assistant prosecuting attorney for a county, the  
12 attorney general, the deputy attorney general, an assistant  
13 attorney general, or a special prosecuting attorney.

14 (j) "Victim" ~~, except as otherwise defined in this~~  
15 ~~article,~~ means any of the following:

16 (i) An individual who suffers direct or threatened physical,  
17 financial, or emotional harm as a result of the commission of a  
18 crime, except as provided in subparagraph (ii), (iii), or (iv).

19 (ii) The following individuals other than the defendant if  
20 the victim is deceased:

21 (A) The spouse of the deceased victim.

22 (B) A child of the deceased victim if the child is 18 years  
23 of age or older and sub-subparagraph (A) does not apply.

24 (C) A parent of a deceased victim if sub-subparagraphs (A)  
25 and (B) do not apply.

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1 (D) The guardian or custodian of a child of a deceased  
2 victim if the child is less than 18 years of age and  
3 sub-subparagraphs (A) to (C) do not apply.

4 (E) A sibling of the deceased victim if sub-subparagraphs  
5 (A) to (D) do not apply.

6 (F) A grandparent of the deceased victim if  
7 sub-subparagraphs (A) to (E) do not apply.

8 (iii) A parent, guardian, or custodian of a victim who is  
9 less than 18 years of age AND WHO IS NEITHER THE DEFENDANT NOR  
10 INCARCERATED, if the parent, guardian, or custodian so chooses.

11 (iv) A parent, guardian, or custodian of a victim who is  
12 mentally or emotionally unable to participate in the legal pro-  
13 cess IF HE OR SHE IS NEITHER THE DEFENDANT NOR INCARCERATED.

14 (2) If a victim as defined in subsection (1)(j)(i) is physi-  
15 cally or emotionally unable to exercise the privileges and rights  
16 under this article, the victim may designate his or her spouse,  
17 child 18 years of age or older, parent, sibling, ~~or~~  
18 grandparent, OR ANY OTHER PERSON 18 YEARS OF AGE OR OLDER WHO IS  
19 NEITHER THE DEFENDANT NOR INCARCERATED to act in his or her place  
20 while the physical or emotional disability continues. The victim  
21 shall provide the prosecuting attorney with the name of the  
22 person who is to act in his or her place. During the physical or  
23 emotional disability, notices to be provided under this article  
24 to the victim shall continue to be sent only to the victim.

25 (3) AN INDIVIDUAL WHO IS CHARGED WITH A CRIME ARISING OUT OF  
26 THE SAME TRANSACTION FROM WHICH THE CHARGE AGAINST THE DEFENDANT

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1 AROSE IS NOT ELIGIBLE TO EXERCISE THE PRIVILEGES AND RIGHTS  
2 ESTABLISHED FOR VICTIMS UNDER THIS ARTICLE.

3 (4) AN INDIVIDUAL WHO IS INCARCERATED IS NOT ELIGIBLE TO  
4 EXERCISE THE PRIVILEGES AND RIGHTS ESTABLISHED FOR VICTIMS UNDER  
5 THIS ARTICLE EXCEPT THAT HE OR SHE MAY SUBMIT A WRITTEN STATEMENT  
6 TO THE COURT FOR CONSIDERATION AT SENTENCING.

7 Sec. 3. Within 24 hours after the initial contact between  
8 the victim of a reported crime and the law enforcement agency  
9 having the responsibility for investigating that crime, that  
10 agency shall give to the victim the following information in  
11 writing:

12 (a) The availability of emergency and medical services, if  
13 applicable.

14 (b) The availability of victim's compensation benefits and  
15 the address of the crime victims compensation board.

16 (c) The address and telephone number of the prosecuting  
17 attorney whom the victim should contact to obtain information  
18 about victim's rights.

19 (d) The following ~~statement~~ STATEMENTS:

20 "IF YOU WOULD LIKE TO BE NOTIFIED OF AN ARREST IN YOUR CASE  
21 OR THE RELEASE OF THE PERSON ARRESTED, OR BOTH, YOU SHOULD CALL  
22 (IDENTIFY LAW ENFORCEMENT AGENCY AND TELEPHONE NUMBER) AND INFORM  
23 THEM."

24 "If you are not notified of an arrest in your case, you may  
25 call this law enforcement agency at [the law enforcement agency's  
26 telephone number] for the status of the case."

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1       Sec. 5. (1) Not later than 24 hours after the arraignment  
2 of the defendant for a crime, the law enforcement agency having  
3 responsibility for investigating the crime shall give to the  
4 victim notice of the availability of pretrial release for the  
5 defendant, the telephone number of the sheriff or juvenile facil-  
6 ity, and notice that the victim may contact the sheriff or juve-  
7 nile facility to determine whether the defendant has been  
8 released from custody. THE LAW ENFORCEMENT AGENCY HAVING RESPON-  
9 SIBILITY FOR INVESTIGATING THE CRIME SHALL PROMPTLY NOTIFY THE  
10 VICTIM OF THE ARREST OR PRETRIAL RELEASE OF THE DEFENDANT, OR  
11 BOTH, IF THE VICTIM REQUESTS OR HAS REQUESTED THAT INFORMATION.  
12 IF THE DEFENDANT IS RELEASED FROM CUSTODY BY THE SHERIFF OR JUVE-  
13 NILE FACILITY, THE SHERIFF OR JUVENILE FACILITY SHALL NOTIFY THE  
14 LAW ENFORCEMENT AGENCY HAVING RESPONSIBILITY FOR INVESTIGATING  
15 THE CRIME.

16       (2) Based upon any credible evidence of acts or threats of  
17 physical violence or intimidation by the defendant or at the  
18 defendant's direction against the victim or the victim's immedi-  
19 ate family, the prosecuting attorney may move that the bond or  
20 personal recognizance of a defendant be revoked.

21       Sec. 6. (1) Not later than 7 days after the defendant's  
22 arraignment for a crime, but not less than 24 hours before a pre-  
23 liminary examination, the prosecuting attorney shall give to each  
24 victim a written notice in plain English of each of the  
25 following:

26       (a) A brief statement of the procedural steps in the  
27 processing of a criminal case.

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1 (b) A specific list of the rights and procedures under this  
2 article.

3 (C) A CONVENIENT MEANS FOR THE VICTIM TO NOTIFY THE PROSE-  
4 CUTING ATTORNEY THAT THE VICTIM CHOOSES TO EXERCISE HIS OR HER  
5 RIGHTS UNDER THIS ARTICLE.

6 (D) ~~(c)~~ Details and eligibility requirements FOR COMPENSA-  
7 TION FROM THE CRIME VICTIMS SERVICES COMMISSION under 1976  
8 PA 223, MCL 18.351 to 18.368.

9 (E) ~~(d)~~ Suggested procedures if the victim is subjected to  
10 threats or intimidation.

11 (F) ~~(e)~~ The person to contact for further information.

12 (2) If the victim requests, the prosecuting attorney shall  
13 give the victim notice of any scheduled court proceedings and any  
14 changes in that schedule.

15 (3) Before finalizing any negotiation that may result in a  
16 dismissal, plea or sentence bargain, or pretrial diversion, the  
17 prosecuting attorney shall offer the victim the opportunity to  
18 consult with the prosecuting attorney to obtain the victim's  
19 views about the disposition of the prosecution for the crime,  
20 including the victim's views about dismissal, plea or sentence  
21 negotiations, and pretrial diversion programs.

22 (4) A victim who receives a notice under subsection (1) and  
23 who chooses to receive any ~~other~~ notice or ~~notices~~ EXERCISE  
24 ANY RIGHT under this article shall keep the following persons  
25 informed of the victim's current address and telephone number:

26 (a) The prosecuting attorney, until final disposition or  
27 completion of the appellate process, whichever occurs later.

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1 (b) The department of corrections or the sheriff as the  
2 prosecuting attorney directs if the defendant is imprisoned.

3 (c) The family independence agency or county juvenile agency  
4 as the prosecuting attorney directs if the defendant is held in a  
5 juvenile facility.

6 Sec. 8. (1) Based upon the victim's reasonable apprehension  
7 of acts or threats of physical violence or intimidation by the  
8 defendant or at defendant's direction against the victim or the  
9 victim's immediate family, the ~~prosecutor~~ PROSECUTING ATTORNEY  
10 may move that the victim or any other witness not be compelled to  
11 testify at pretrial proceedings or at trial for purposes of iden-  
12 tifying the victim as to the victim's address, place of employ-  
13 ment, or other personal identification without the victim's  
14 consent. A hearing on the motion shall be in camera.

15 (2) The WORK ADDRESS AND address of the victim shall not be  
16 in the court file or ordinary court documents unless contained in  
17 a transcript of the trial or it is used to identify the place of  
18 the crime. The ~~phone~~ WORK TELEPHONE NUMBER AND TELEPHONE  
19 number of the victim shall not be in the court file or ordinary  
20 court documents except as contained in a transcript of the  
21 trial.

22 (3) PURSUANT TO SECTION 24 OF ARTICLE I OF THE STATE CONSTI-  
23 TUTION OF 1963, GUARANTEEING TO CRIME VICTIMS THE RIGHT TO BE  
24 TREATED WITH RESPECT FOR THEIR DIGNITY AND PRIVACY, ALL OF THE  
25 FOLLOWING INFORMATION AND VISUAL REPRESENTATIONS OF A VICTIM ARE  
26 EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976  
27 PA 442, MCL 15.231 TO 15.246:



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1 (A) THE HOME ADDRESS, HOME TELEPHONE NUMBER, WORK ADDRESS,  
2 AND WORK TELEPHONE NUMBER OF THE VICTIM UNLESS THE ADDRESS IS  
3 USED TO IDENTIFY THE PLACE OF THE CRIME.

4 (B) A PICTURE, PHOTOGRAPH, DRAWING, OR OTHER VISUAL REPRE-  
5 SENTATION, INCLUDING ANY FILM, VIDEOTAPE, OR DIGITALLY STORED  
6 IMAGE OF THE VICTIM.

[(4) SUBSECTION (3) SHALL NOT PRECLUDE THE RELEASE OF  
INFORMATION TO A VICTIM ADVOCACY ORGANIZATION OR AGENCY FOR THE  
PURPOSE OF PROVIDING VICTIM SERVICES.]

7 Sec. 11. The victim has the right to be present throughout  
8 the entire trial of the defendant, unless the victim is going to  
9 be called as a witness. If the victim is going to be called as a  
10 witness, the court may, for good cause shown, order the victim to  
11 be sequestered until the victim first testifies. THE VICTIM  
12 SHALL NOT BE SEQUESTERED AFTER HE OR SHE FIRST TESTIFIES.

13 Sec. 13a. When a defendant is sentenced to a term of  
14 imprisonment or ordered to be placed in a juvenile facility, the  
15 prosecuting attorney shall provide the victim with a form the  
16 victim may submit to receive the notices provided for under  
17 section 19, {20,} or 20a. The form shall include the address of  
18 the department of corrections, the sheriff, the family indepen-  
19 dence agency, or the county juvenile agency, as applicable, to  
20 which the form may be sent.

21 Sec. 14. The victim has the right to submit or make a writ-  
22 ten or oral impact statement to the probation officer for use by  
23 that officer in preparing a presentence investigation report con-  
24 cerning the defendant pursuant to section 14 of chapter XI of the  
25 code of criminal procedure, ~~Act No. 175 of the Public Acts of~~  
26 ~~1927, being section 771.14 of the Michigan Compiled Laws 1927~~  
27 PA 175, MCL 771.14. A victim's written statement shall upon the

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1 victim's request, be included in the presentence investigation  
2 report.

3       Sec. 15. The victim ~~shall have~~ HAS the right to appear  
4 and make an oral impact statement at the sentencing of the  
5 defendant. IF THE VICTIM IS PHYSICALLY OR EMOTIONALLY UNABLE TO  
6 MAKE THE ORAL IMPACT STATEMENT, THE VICTIM MAY DESIGNATE ANY  
7 OTHER PERSON 18 YEARS OF AGE OR OLDER WHO IS NEITHER THE  
8 DEFENDANT NOR INCARCERATED TO MAKE THE STATEMENT ON HIS OR HER  
9 BEHALF. THE OTHER PERSON NEED NOT BE AN ATTORNEY.

10       Sec. 16. (1) For purposes of this section only, "victim"  
11 means an individual who suffers direct or threatened physical,  
12 financial, or emotional harm as a result of the commission of a  
13 crime. For purposes of subsections (2), (3), (6), (8), (9), and  
14 (13), victim includes a sole proprietorship, partnership, corpo-  
15 ration, association, governmental entity, or any other legal  
16 entity that suffers direct physical or financial harm as a result  
17 of a crime.

18       (2) Except as provided in subsection (8), when sentencing a  
19 defendant convicted of a crime, the court shall order, in addi-  
20 tion to or in lieu of any other penalty authorized by law or in  
21 addition to any other penalty required by law, that the defendant  
22 make full restitution to any victim of the defendant's course of  
23 conduct that gives rise to the conviction or to the victim's  
24 estate.

25       (3) If a crime results in damage to or loss or destruction  
26 of property of a victim of the crime or results in the seizure or  
27 impoundment of property of a victim of the crime, the order of

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1 restitution may require that the defendant do 1 or more of the  
2 following, as applicable:

3 (a) Return the property to the owner of the property or to a  
4 person designated by the owner.

5 (b) If return of the property under subdivision (a) is  
6 impossible, impractical, or inadequate, pay an amount equal to  
7 the greater of subparagraph (i) or (ii), less the value, deter-  
8 mined as of the date the property is returned, of that property  
9 or any part of the property that is returned:

10 (i) The value of the property on the date of the damage,  
11 loss, or destruction.

12 (ii) The value of the property on the date of sentencing.

13 (c) Pay the costs of the seizure or impoundment, or both.

14 (4) If a crime results in physical or psychological injury  
15 to a victim, the order of restitution may require that the  
16 defendant do 1 or more of the following, as applicable:

17 (a) Pay an amount equal to the REASONABLY DETERMINED cost of  
18 ~~actual~~ medical and related professional services and devices  
19 ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED relating  
20 to physical and psychological care.

21 (b) Pay an amount equal to the REASONABLY DETERMINED cost of  
22 ~~actual~~ physical and occupational therapy and rehabilitation  
23 ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED.

24 (c) Reimburse the victim or the victim's estate for  
25 after-tax income loss suffered by the victim as a result of the  
26 crime.

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1 (d) Pay an amount equal to the REASONABLY DETERMINED cost of  
2 psychological and medical treatment for members of the victim's  
3 family ~~that has been~~ ACTUALLY incurred AND REASONABLY EXPECTED  
4 TO BE INCURRED as a result of the crime.

5 (e) Pay an amount equal to the REASONABLY DETERMINED costs  
6 of ~~actual~~ homemaking and child care expenses ACTUALLY incurred  
7 AND REASONABLY EXPECTED TO BE INCURRED as a result of the crime  
8 OR, IF HOMEMAKING OR CHILD CARE IS PROVIDED WITHOUT COMPENSATION  
9 BY A RELATIVE, FRIEND, OR ANY OTHER PERSON, AN AMOUNT EQUAL TO  
10 THE COSTS THAT WOULD REASONABLY BE INCURRED AS A RESULT OF THE  
11 CRIME FOR THAT HOMEMAKING AND CHILD CARE, BASED ON THE RATES IN  
12 THE AREA FOR COMPARABLE SERVICES.

13 (F) ~~(5) If a crime resulting in bodily injury also results~~  
14 ~~in the death of a victim, the order of restitution may require~~  
15 ~~that the defendant pay~~ PAY an amount equal to the cost of actual  
16 funeral and related services.

17 (G) IF THE DECEASED VICTIM COULD BE CLAIMED AS A DEPENDENT  
18 BY HIS OR HER PARENT OR GUARDIAN ON THE PARENT'S OR GUARDIAN'S  
19 FEDERAL, STATE, OR LOCAL INCOME TAX RETURNS, PAY AN AMOUNT EQUAL  
20 TO THE LOSS OF THE TAX DEDUCTION OR TAX CREDIT. THE AMOUNT OF  
21 REIMBURSEMENT SHALL BE ESTIMATED FOR EACH YEAR THE VICTIM COULD  
22 REASONABLY BE CLAIMED AS A DEPENDENT.

23 (5) IF A CRIME RESULTING IN BODILY INJURY ALSO RESULTS IN  
24 THE DEATH OF A VICTIM OR SERIOUS IMPAIRMENT OF A BODY FUNCTION OF  
25 A VICTIM, THE COURT MAY ORDER UP TO 3 TIMES THE AMOUNT OF RESTI-  
26 TUTION OTHERWISE ALLOWED UNDER THIS SECTION. AS USED IN THIS

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1 SUBSECTION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION OF A VICTIM"  
2 INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

- 3 (A) LOSS OF A LIMB OR USE OF A LIMB.
- 4 (B) LOSS OF A HAND OR FOOT OR USE OF A HAND OR FOOT.
- 5 (C) LOSS OF AN EYE OR USE OF AN EYE OR EAR.
- 6 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.
- 7 (E) SERIOUS VISIBLE DISFIGUREMENT.
- 8 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.
- 9 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.
- 10 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.
- 11 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.
- 12 (J) LOSS OF A BODY ORGAN.

13 (6) If the victim or victim's estate consents, the order of  
14 restitution may require that the defendant make restitution in  
15 services in lieu of money.

16 (7) If the victim is deceased, the court shall order that  
17 the restitution be made to the victim's estate.

18 (8) The court shall order restitution to the crime victim  
19 services commission or to any individuals, partnerships, corpora-  
20 tions, associations, governmental entities, or other legal enti-  
21 ties that have compensated the victim or the victim's estate for  
22 a loss incurred by the victim to the extent of the compensation  
23 paid for that loss. The court shall also order restitution for  
24 the costs of services provided to persons or entities that have  
25 provided services to the victim as a result of the crime.

26 Services that are subject to restitution under this subsection  
27 include, but are not limited to, shelter, food, clothing, and

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1 transportation. However, an order of restitution shall require  
2 that all restitution to a victim or victim's estate under the  
3 order be made before any restitution to any other person or  
4 entity under that order is made. The court shall not order res-  
5 titution to be paid to a victim or victim's estate if the victim  
6 or victim's estate has received or is to receive compensation for  
7 that loss, and the court shall state on the record with specific-  
8 ity the reasons for its action. ~~If an entity entitled to resti-~~  
9 ~~tution under this subsection for compensating the victim or the~~  
10 ~~victim's estate cannot or refuses to be reimbursed for that com-~~  
11 ~~pensation, the restitution paid for that entity shall be depos-~~  
12 ~~ited by the state treasurer in the crime victim's rights fund~~  
13 ~~created under section 4 of 1989 PA 196, MCL 780.904, or its suc-~~  
14 ~~cessor fund.~~

15 (9) Any amount paid to a victim or victim's estate under an  
16 order of restitution shall be set off against any amount later  
17 recovered as compensatory damages by the victim or the victim's  
18 estate in any federal or state civil proceeding and shall reduce  
19 the amount payable to a victim or a victim's estate by an award  
20 from the crime victim services commission made after an order of  
21 restitution under this section.

22 (10) If not otherwise provided by the court under this sub-  
23 section, restitution shall be made immediately. However, the  
24 court may require that the defendant make restitution under this  
25 section within a specified period or in specified installments.

26 (11) If the defendant is placed on probation or paroled or  
27 the court imposes a conditional sentence as provided in section 3

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1 of chapter IX of the code of criminal procedure, 1927 PA 175,  
2 MCL 769.3, any restitution ordered under this section shall be a  
3 condition of that probation, parole, or sentence. The court may  
4 revoke probation or impose imprisonment under the conditional  
5 sentence and the parole board may revoke parole if the defendant  
6 fails to comply with the order and if the defendant has not made  
7 a good faith effort to comply with the order. In determining  
8 whether to revoke probation or parole or impose imprisonment, the  
9 court or parole board shall consider the defendant's employment  
10 status, earning ability, and financial resources, the willfulness  
11 of the defendant's failure to pay, and any other special circum-  
12 stances that may have a bearing on the defendant's ability to  
13 pay.

14 (12) A defendant who is required to pay restitution and who  
15 is not in willful default of the payment of the restitution may  
16 at any time petition the sentencing judge or his or her successor  
17 to modify the method of payment. If the court determines that  
18 payment under the order will impose a manifest hardship on the  
19 defendant or his or her immediate family, AND IF THE COURT ALSO  
20 DETERMINES THAT MODIFYING THE METHOD OF PAYMENT WILL NOT IMPOSE A  
21 MANIFEST HARDSHIP ON THE VICTIM, the court may modify the method  
22 of payment.

23 (13) An order of restitution entered under this section  
24 remains effective until it is satisfied in full. An order of  
25 restitution is a judgment and lien against all property of the  
26 defendant for the amount specified in the order of restitution.  
27 The lien may be recorded as provided by law. An order of

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1 restitution may be enforced [ ] by the  
2 prosecuting attorney, a victim, a victim's estate, or any other  
3 person or entity named in the order to receive the restitution in  
4 the same manner as a judgment in a civil action or a lien.

5 (14) Notwithstanding any other provision of this section, a  
6 defendant shall not be imprisoned, jailed, or incarcerated for a  
7 violation of probation or parole or otherwise for failure to pay  
8 restitution as ordered under this section unless the court or  
9 parole board determines that the defendant has the resources to  
10 pay the ordered restitution and has not made a good faith effort  
11 to do so.

12 (15) IF THE COURT DETERMINES THAT A JUVENILE IS OR WILL BE  
13 UNABLE TO PAY ALL OF THE RESTITUTION ORDERED, AFTER NOTICE TO THE  
14 JUVENILE'S PARENT OR PARENTS AND AN OPPORTUNITY FOR THE PARENT OR  
15 PARENTS TO BE HEARD THE COURT MAY ORDER THE PARENT OR PARENTS  
16 HAVING SUPERVISORY RESPONSIBILITY FOR THE JUVENILE AT THE TIME OF  
17 THE ACTS UPON WHICH AN ORDER OF RESTITUTION IS BASED TO PAY ANY  
18 PORTION OF THE RESTITUTION ORDERED THAT IS OUTSTANDING. AN ORDER  
19 UNDER THIS SUBSECTION DOES NOT RELIEVE THE JUVENILE OF HIS OR HER  
20 OBLIGATION TO PAY RESTITUTION AS ORDERED, BUT THE AMOUNT OWED BY  
21 THE JUVENILE SHALL BE OFFSET BY ANY AMOUNT PAID BY HIS OR HER  
22 PARENT. AS USED IN THIS SUBSECTION:

23 (A) "JUVENILE" MEANS A PERSON WITHIN THE COURT'S JURISDIC-  
24 TION UNDER SECTION 2D OR 4 OF CHAPTER XIIIA OF THE PROBATE CODE OF  
25 1939, 1939 PA 288, MCL 712A.2D AND 712A.4.

26 (B) "PARENT" DOES NOT INCLUDE A FOSTER PARENT.



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1           (16) IF THE COURT ORDERS A PARENT TO PAY RESTITUTION UNDER  
2 SUBSECTION (15), THE COURT SHALL TAKE INTO ACCOUNT THE PARENT'S  
3 FINANCIAL RESOURCES AND THE BURDEN THAT THE PAYMENT OF RESTITU-  
4 TION WILL IMPOSE, WITH DUE REGARD TO ANY OTHER MORAL OR LEGAL  
5 FINANCIAL OBLIGATIONS THE PARENT MAY HAVE. IF A PARENT IS  
6 REQUIRED TO PAY RESTITUTION UNDER SUBSECTION (15), THE COURT  
7 SHALL PROVIDE FOR PAYMENT TO BE MADE IN SPECIFIED INSTALLMENTS  
8 AND WITHIN A SPECIFIED PERIOD OF TIME.

9           (17) A PARENT WHO HAS BEEN ORDERED TO PAY RESTITUTION UNDER  
10 SUBSECTION (15) MAY PETITION THE COURT FOR A MODIFICATION OF THE  
11 AMOUNT OF RESTITUTION OWED BY THE PARENT OR FOR A CANCELLATION OF  
12 ANY UNPAID PORTION OF THE PARENT'S OBLIGATION. THE COURT SHALL  
13 CANCEL ALL OR PART OF THE PARENT'S OBLIGATION DUE IF THE COURT  
14 DETERMINES THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST  
15 HARDSHIP ON THE PARENT AND IF THE COURT ALSO DETERMINES THAT MOD-  
16 IFYING THE METHOD OF PAYMENT WILL NOT IMPOSE A MANIFEST HARDSHIP  
17 ON THE VICTIM.

18           (18) ~~-(15)-~~ In each case in which payment of restitution is  
19 ordered as a condition of probation, the COURT MAY ORDER ANY  
20 EMPLOYED DEFENDANT TO EXECUTE A WAGE ASSIGNMENT TO PAY THE  
21 RESTITUTION. THE probation officer assigned to the case shall  
22 review the case not less than twice yearly to ensure that resti-  
23 tution is being paid as ordered. IF THE RESTITUTION WAS ORDERED  
24 TO BE MADE WITHIN A SPECIFIC PERIOD OF TIME, THE PROBATION OFFI-  
25 CER ASSIGNED TO THE CASE SHALL REVIEW THE CASE AT THE END OF THE  
26 SPECIFIC PERIOD OF TIME TO DETERMINE IF THE RESTITUTION HAS BEEN  
27 PAID IN FULL. The final review shall be conducted not less than

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1 60 days before the probationary period expires. If the probation  
2 officer determines AT ANY REVIEW that restitution is not being  
3 paid as ordered, the probation officer shall file a written  
4 report of the violation with the court on a form prescribed by  
5 the state court administrative office OR SHALL PETITION THE COURT  
6 FOR A PROBATION VIOLATION. The report OR PETITION shall include  
7 a statement of the amount of the arrearage and any reasons for  
8 the arrearage known by the probation officer. The probation  
9 officer shall immediately provide a copy of the report OR  
10 PETITION to the prosecuting attorney. If a PETITION OR motion is  
11 filed or other proceedings are initiated to enforce payment of  
12 restitution and the court determines that restitution is not  
13 being paid or has not been paid as ordered by the court, the  
14 court shall promptly take action necessary to compel compliance.

15 (19) ~~(16)~~ If a defendant who is ordered to pay restitution  
16 under this section is remanded to the jurisdiction of the depart-  
17 ment of corrections, the court shall provide a copy of the order  
18 of restitution to the department of corrections when the  
19 defendant is remanded to the department's jurisdiction.

20 (20) THE COURT SHALL NOT IMPOSE A FEE ON A VICTIM, VICTIM'S  
21 ESTATE, OR PROSECUTING ATTORNEY FOR ENFORCING AN ORDER OF  
22 RESTITUTION.

23 (21) IF A PERSON OR ENTITY ENTITLED TO RESTITUTION CANNOT BE  
24 LOCATED OR REFUSES TO CLAIM THAT RESTITUTION WITHIN 2 YEARS AFTER  
25 THE DATE ON WHICH HE OR SHE COULD HAVE CLAIMED THE RESTITUTION,  
26 THE RESTITUTION PAID TO THAT PERSON OR ENTITY SHALL BE DEPOSITED  
27 IN THE CRIME VICTIM'S RIGHTS FUND CREATED UNDER SECTION 4 OF 1989

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1 PA 196, MCL 780.904, OR ITS SUCCESSOR FUND. HOWEVER, A PERSON OR  
2 ENTITY ENTITLED TO THAT RESTITUTION MAY CLAIM THAT RESTITUTION  
3 ANY TIME BY APPLYING TO THE COURT THAT ORIGINALLY ORDERED AND  
4 COLLECTED IT. THE COURT SHALL NOTIFY THE CRIME VICTIM SERVICES  
5 COMMISSION OF THE APPLICATION AND THE COMMISSION SHALL APPROVE A  
6 REDUCTION IN THE COURT'S REVENUE TRANSMITTAL TO THE CRIME VICTIM  
7 RIGHTS FUND EQUAL TO THE RESTITUTION OWED TO THE PERSON OR  
8 ENTITY. THE COURT SHALL USE THE REDUCTION TO REIMBURSE THAT RES-  
9 TITUTION TO THE PERSON OR ENTITY.

10 SEC. 16A. (1) IF A PERSON IS SUBJECT TO ANY COMBINATION OF  
11 FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE  
12 SUPERVISION FEES, OR OTHER PAYMENTS ARISING OUT OF THE SAME CRIM-  
13 INAL PROCEEDING, MONEY COLLECTED FROM THAT PERSON FOR THE PAYMENT  
14 OF FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE  
15 SUPERVISION FEES, OR OTHER PAYMENTS SHALL BE ALLOCATED AS PRO-  
16 VIDED IN THIS SECTION.

17 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A  
18 PERSON IS SUBJECT TO PAYMENT OF VICTIM PAYMENTS AND ANY COMBINA-  
19 TION OF OTHER FINES, COSTS, ASSESSMENTS, PROBATION OR PAROLE  
20 SUPERVISION FEES, OR OTHER PAYMENTS, 50% OF EACH PAYMENT COL-  
21 LECTED BY THE COURT FROM THAT PERSON SHALL BE APPLIED TO PAYMENT  
22 OF VICTIM PAYMENTS, AND THE BALANCE SHALL BE APPLIED TO PAYMENT  
23 OF FINES, COSTS, SUPERVISION FEES, AND OTHER ASSESSMENTS OR  
24 PAYMENTS. IF ANY FINES, COSTS, SUPERVISION FEES, OR OTHER  
25 ASSESSMENTS OR PAYMENTS REMAIN UNPAID AFTER ALL OF THE VICTIM  
26 PAYMENTS HAVE BEEN PAID, ANY ADDITIONAL MONEY COLLECTED SHALL BE  
27 APPLIED TO PAYMENT OF THOSE FINES, COSTS, SUPERVISION FEES, OR

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1 OTHER ASSESSMENTS OR PAYMENTS. IF ANY VICTIM PAYMENTS REMAIN  
2 UNPAID AFTER ALL OF THE FINES, COSTS, SUPERVISION FEES, OR OTHER  
3 ASSESSMENTS OR PAYMENTS HAVE BEEN PAID, ANY ADDITIONAL MONEY COL-  
4 LECTED SHALL BE APPLIED TOWARD PAYMENT OF THOSE VICTIM PAYMENTS.

5 (3) IN CASES INVOLVING PROSECUTIONS FOR VIOLATIONS OF STATE  
6 LAW, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF FINES,  
7 COSTS, PROBATION AND PAROLE SUPERVISION FEES, AND ASSESSMENTS OR  
8 PAYMENTS OTHER THAN VICTIM PAYMENTS SHALL BE APPLIED IN THE FOL-  
9 LOWING ORDER OF PRIORITY:

10 (A) PAYMENT OF COSTS.

11 (B) PAYMENT OF FINES.

12 (C) PAYMENT OF PROBATION OR PAROLE SUPERVISION FEES.

13 (D) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS, INCLUDING  
14 REIMBURSEMENT TO THIRD PARTIES WHO REIMBURSED A VICTIM FOR HIS OR  
15 HER LOSS.

16 (4) IN CASES INVOLVING PROSECUTIONS FOR VIOLATIONS OF LOCAL  
17 ORDINANCES, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF  
18 FINES, COSTS, AND ASSESSMENTS OR PAYMENTS OTHER THAN VICTIM PAY-  
19 MENTS SHALL BE APPLIED IN THE FOLLOWING ORDER OF PRIORITY:

20 (A) PAYMENT OF FINES AND COSTS.

21 (B) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS.

22 (5) AS USED IN THIS SECTION, "VICTIM PAYMENT" MEANS RESTITU-  
23 TION ORDERED TO BE PAID TO THE VICTIM, TO THE VICTIM'S ESTATE,  
24 BUT NOT TO A PERSON WHO REIMBURSED THE VICTIM FOR HIS OR HER  
25 LOSS; OR AN ASSESSMENT ORDERED UNDER SECTION 5 OF 1989 PA 196,  
26 MCL 780.905.

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1       Sec. 18a. (1) Upon the request of the victim, the  
2 prosecuting attorney shall notify the victim of the following:

3       (a) That the defendant ~~has~~ filed an appeal of his or her  
4 conviction OR SENTENCE OR THAT THE PROSECUTING ATTORNEY FILED AN  
5 APPEAL.

6       (b) Whether the defendant has been ordered released on bail  
7 or other recognizance pending the disposition of the appeal. If  
8 the prosecuting attorney is notified that the defendant has been  
9 ordered released on bail or other recognizance pending disposi-  
10 tion of the appeal, the prosecuting attorney shall use any means  
11 reasonably calculated to give the victim notice of that order  
12 within 24 hours after the prosecuting attorney is notified of the  
13 order.

14       (c) The time and place of any appellate court proceedings  
15 and any changes in the time or place of those proceedings.

16       (d) The result of the appeal. If ~~the prosecuting attorney~~  
17 ~~is notified that~~ the conviction is ordered reversed, ~~or~~ THE  
18 SENTENCE IS VACATED, the case is remanded for ~~further~~  
19 ~~proceedings~~ A NEW TRIAL, OR THE PROSECUTING ATTORNEY'S APPEAL IS  
20 DENIED, ~~the~~ AND IF THE PROSECUTING ATTORNEY HAS FILED THE  
21 APPROPRIATE NOTICE WITH THE APPELLATE COURT, THE APPELLATE COURT  
22 SHALL EXPEDITE DELIVERY OF THE RELEVANT DOCUMENT TO THE PROSECUT-  
23 ING ATTORNEY'S OFFICE BY ANY MEANS REASONABLY CALCULATED TO GIVE  
24 THE PROSECUTING ATTORNEY PROMPT NOTICE. THE prosecuting attorney  
25 shall use any means reasonably calculated to give the victim  
26 notice of that order within 24 hours after the prosecuting  
27 attorney is notified of the order.

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1 (2) If the prosecuting attorney is not successful in  
2 notifying the victim of an event described in subsection (1)  
3 within the period set forth in that subsection, ~~for~~  
4 ~~notification,~~ the prosecuting attorney shall notify the victim  
5 of that event as soon as possible by any means reasonably calcu-  
6 lated to give the victim prompt actual notice.

7 (3) Upon the request of the victim, the prosecuting attorney  
8 shall provide the victim with a brief explanation in plain  
9 English of the appeal process, including the possible  
10 dispositions.

11 (4) If ~~the defendant's conviction is reversed and~~ the case  
12 is returned to the trial court for further proceedings OR A NEW  
13 TRIAL, the victim ~~shall have~~ HAS the same rights AS previously  
14 requested during the proceedings ~~which~~ THAT led to the appeal.

15 Sec. 19. (1) Upon the VICTIM'S written request, ~~of a~~  
16 ~~victim of a crime,~~ the sheriff or the department of corrections  
17 shall mail to the victim the following, as applicable, about a  
18 prisoner who has been sentenced to imprisonment under the juris-  
19 diction of the sheriff or the department for ~~commission of that~~  
20 THE crime AGAINST THAT VICTIM:

21 (a) Within 30 days after the request, notice of the  
22 sheriff's calculation of the PRISONER'S earliest release date ~~of~~  
23 ~~the prisoner,~~ or the department's calculation of the PRISONER'S  
24 earliest parole eligibility date, ~~of the prisoner,~~ with all  
25 potential good time or disciplinary credits considered, if the  
26 sentence of imprisonment exceeds 90 days. The victim may request

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1 1-time only notice of the calculation described in this  
2 subdivision.

3 (b) Notice of the PRISONER'S transfer or pending transfer  
4 ~~of the prisoner~~ to a minimum security facility and the  
5 FACILITY'S address. ~~of that facility.~~

6 (c) Notice of the PRISONER'S release or pending release ~~of~~  
7 ~~the prisoner~~ in a community residential program ~~,~~ OR under  
8 ~~extended~~ furlough; ~~,~~ or any other transfer ~~of a prisoner~~ to  
9 community status; ANY TRANSFER FROM 1 COMMUNITY RESIDENTIAL PRO-  
10 GRAM OR ELECTRONIC MONITORING PROGRAM TO ANOTHER; OR ANY TRANSFER  
11 FROM A COMMUNITY RESIDENTIAL PROGRAM OR ELECTRONIC MONITORING  
12 PROGRAM TO A STATE CORRECTIONAL FACILITY.

13 (d) Notice of the escape of the person accused, convicted,  
14 or imprisoned for committing a crime against the victim, as pro-  
15 vided in section 20.

16 (e) Notice of the victim's right to address or submit a  
17 written statement for consideration by a parole board member or a  
18 member of any other panel having authority over the prisoner's  
19 release on parole, as provided in section 21.

20 (f) Notice of the decision of the parole board, or any other  
21 panel having authority over the prisoner's release on parole,  
22 after a parole review, as provided in section 21(3).

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

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1 (h) Notice of a public hearing under section 44 of ~~Act~~  
2 ~~No. 232 of the Public Acts of 1953, being section 791.244 of the~~  
3 ~~Michigan Compiled Laws~~ 1953 PA 232, MCL 791.244, regarding a  
4 reprieve, commutation, or pardon of the prisoner's sentence by  
5 the governor.

6 (i) Notice that a reprieve, commutation, or pardon has been  
7 granted.

8 (j) Notice that a prisoner has had his or her name legally  
9 changed while on parole or within 2 years ~~of~~ AFTER release from  
10 parole.

11 (K) NOTICE THAT A PRISONER HAS BEEN CONVICTED OF A NEW  
12 CRIME.

13 (l) NOTICE THAT A PRISONER HAS BEEN RETURNED FROM PAROLE  
14 STATUS TO A CORRECTIONAL FACILITY DUE TO AN ALLEGED VIOLATION OF  
15 THE CONDITIONS OF HIS OR HER PAROLE.

16 (2) A victim's address and telephone number maintained by a  
17 sheriff or the department of corrections ~~pursuant to~~ UPON a  
18 request for notice under subsection (1) is exempt from disclosure  
19 under the freedom of information act, ~~Act No. 442 of the Public~~  
20 ~~Acts of 1976, being sections 15.231 to 15.246 of the Michigan~~  
21 ~~Compiled Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

22 Sec. 21. (1) A victim shall have the right to address or  
23 submit a written statement for consideration by a parole board  
24 member or a member of any other panel having authority over the  
25 prisoner's release on parole.

26 (2) Not less than 30 days before a review of the prisoner's  
27 release, a victim who has requested notice under section 19(1)(f)



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1 shall be given written notice by the department of corrections  
2 informing the victim of the pending review and of victims' rights  
3 under this section. The victim, at his or her own expense, may  
4 be represented by counsel at the review.

5 (3) A victim shall receive notice of the decision of the  
6 board or panel and, if applicable, notice of the date of the  
7 prisoner's release on parole. Notice shall be mailed within a  
8 reasonable time after the board or panel reaches its decision but  
9 not later than 14 days after the board or panel has reached its  
10 decision. THE NOTICE SHALL INCLUDE A STATEMENT OF THE VICTIM'S  
11 RIGHT TO APPEAL A PAROLE DECISION, AS ALLOWED UNDER SECTION 34(9)  
12 OF 1953 PA 232, MCL 791.234.

13 Sec. 31. (1) ~~As~~ EXCEPT AS OTHERWISE DEFINED IN THIS ARTI-  
14 CLE, AS used in this article:

15 (a) "County juvenile agency" means that term as defined in  
16 section 2 of the county juvenile agency act, 1998 PA 518,  
17 MCL 45.622.

18 (b) "Court" means the ~~juvenile~~ FAMILY division of ~~the~~  
19 ~~probate~~ CIRCUIT court.

20 (c) "DESIGNATED CASE" MEANS A CASE DESIGNATED AS A CASE IN  
21 WHICH THE JUVENILE IS TO BE TRIED IN THE SAME MANNER AS AN ADULT  
22 UNDER SECTION 2D OF CHAPTER XIIIA OF THE PROBATE CODE OF 1939,  
23 1939 PA 288, MCL 712A.2D.

24 (D) ~~(c)~~ "Juvenile" means an individual alleged or found to  
25 be within the court's jurisdiction under section 2(a)(1) of chap-  
26 ter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2,

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1 for an offense, INCLUDING, BUT NOT LIMITED TO, AN INDIVIDUAL IN A  
2 DESIGNATED CASE.

3 (E) ~~(d)~~ "Juvenile facility" means a county facility, an  
4 institution operated as an agency of the county or the court, or  
5 an institution or agency described in the youth rehabilitation  
6 services act, 1974 PA 150, MCL 803.301 to 803.309, to which a  
7 juvenile has been committed or in which a juvenile is detained.

8 (F) ~~(e)~~ "Offense" means 1 or more of the following:

9 (i) A violation of a penal law of this state for which a  
10 juvenile offender, if convicted as an adult, may be punished by  
11 imprisonment for more than 1 year or an offense expressly desig-  
12 nated by law as a felony.

13 (ii) A violation of section 81 (ASSAULT AND BATTERY, INCLUD-  
14 ING DOMESTIC VIOLENCE), 81a (ASSAULT; INFLECTION OF SERIOUS  
15 INJURY, INCLUDING AGGRAVATED DOMESTIC VIOLENCE), 115 (BREAKING  
16 AND ENTERING OR ILLEGAL ENTRY), 136b(5) (CHILD ABUSE IN THE  
17 FOURTH DEGREE), 145a (ENTICING A CHILD FOR IMMORAL PURPOSES), 234  
18 (DISCHARGE OF A FIREARM INTENTIONALLY AIMED AT A PERSON), 235  
19 (DISCHARGE OF AN INTENTIONALLY AIMED FIREARM RESULTING IN  
20 INJURY), 335a (INDECENT EXPOSURE), or 411h (STALKING) of the  
21 Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115,  
22 750.136b, 750.145a, 750.234, 750.235, 750.335a, and 750.411h.

23 (iii) A violation of section 617a (LEAVING THE SCENE OF A  
24 PERSONAL INJURY ACCIDENT) of the Michigan vehicle code, 1949  
25 PA 300, MCL 257.617a, or a violation of section 625 (OPERATING A  
26 VEHICLE WHILE UNDER THE INFLUENCE OF OR IMPAIRED BY INTOXICATING  
27 LIQUOR OR A CONTROLLED SUBSTANCE, OR WITH UNLAWFUL BLOOD ALCOHOL

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1 CONTENT) of that act, MCL 257.625, if the violation involves an  
2 accident resulting in damage to another individual's property or  
3 physical injury or death to another individual.

4 (iv) Selling or furnishing alcoholic liquor to an individual  
5 less than 21 years of age in violation of section 33 of the  
6 former 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor  
7 control code of 1998, 1998 PA 58, MCL 436.1701, if the violation  
8 results in physical injury or death to any individual.

9 (v) A violation of section 80176(1) or (3) (OPERATING A  
10 VESSEL WHILE UNDER THE INFLUENCE OF OR IMPAIRED BY INTOXICATING  
11 LIQUOR OR A CONTROLLED SUBSTANCE, OR WITH UNLAWFUL BLOOD ALCOHOL  
12 CONTENT) of the natural resources and environmental protection  
13 act, 1994 PA 451, MCL 324.80176, if the violation involves an  
14 accident resulting in damage to another individual's property or  
15 physical injury or death to any individual.

16 (vi) A violation of a local ordinance substantially corre-  
17 sponding to a law enumerated in subparagraphs (i) to (v).

18 (vii) A violation described in subparagraphs (i) to (vi)  
19 that is subsequently reduced to a violation not included in sub-  
20 paragraphs (i) to (vi).

21 (G) ~~(f)~~ "Person" means an individual, organization, part-  
22 nership, corporation, or governmental entity.

23 (H) ~~(g)~~ "Prosecuting attorney" means the prosecuting  
24 attorney for a county, an assistant prosecuting attorney for a  
25 county, the attorney general, the deputy attorney general, an  
26 assistant attorney general, a special prosecuting attorney, or in  
27 connection with the prosecution of an ordinance violation, an

1 attorney for the political subdivision that enacted the ordinance  
2 upon which the violation is based.

3 (I) ~~(h)~~ "Victim" ~~, except as otherwise defined in this~~  
4 ~~article,~~ means any of the following:

5 (i) A person who suffers direct or threatened physical,  
6 financial, or emotional harm as a result of the commission of an  
7 offense, except as provided in subparagraph (ii), (iii), or  
8 (iv).

9 (ii) The following individuals other than the juvenile if  
10 the victim is deceased:

11 (A) The spouse of the deceased victim.

12 (B) A child of the deceased victim if the child is 18 years  
13 of age or older and sub-subparagraph (A) does not apply.

14 (C) A parent of a deceased victim if sub-subparagraphs (A)  
15 and (B) do not apply.

16 (D) The guardian or custodian of a child of a deceased  
17 victim if the child is less than 18 years of age and  
18 sub-subparagraphs (A) to (C) do not apply.

19 (E) A sibling of the deceased victim if sub-subparagraphs  
20 (A) to (D) do not apply.

21 (F) A grandparent of the deceased victim if  
22 sub-subparagraphs (A) to (E) do not apply.

23 (iii) A parent, guardian, or custodian of a victim who is  
24 less than 18 years of age AND WHO IS NEITHER THE DEFENDANT NOR  
25 INCARCERATED, if the parent, guardian, or custodian so chooses.

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1           (iv) A parent, guardian, or custodian of a victim who is  
2 mentally or emotionally unable to participate in the legal  
3 process IF HE OR SHE IS NEITHER THE DEFENDANT NOR INCARCERATED.

4           (2) If a victim as defined in subsection (1)(h)(i) is physi-  
5 cally or emotionally unable to exercise the privileges and rights  
6 under this article, the victim may designate his or her spouse,  
7 child 18 years of age or older, parent, sibling, ~~or~~  
8 grandparent, OR ANY OTHER PERSON 18 YEARS OF AGE OR OLDER WHO IS  
9 NEITHER THE DEFENDANT NOR INCARCERATED to act in his or her place  
10 while the physical or emotional disability continues. The victim  
11 shall provide the prosecuting attorney with the name of the  
12 person who is to act in his or her place. During the physical or  
13 emotional disability, notices to be provided under this article  
14 to the victim shall continue to be sent only to the victim.

15           (3) AN INDIVIDUAL WHO IS CHARGED WITH AN OFFENSE ARISING OUT  
16 OF THE SAME TRANSACTION FROM WHICH THE CHARGE AGAINST THE  
17 DEFENDANT AROSE IS NOT ELIGIBLE TO EXERCISE THE PRIVILEGES AND  
18 RIGHTS ESTABLISHED FOR VICTIMS UNDER THIS ARTICLE.

19           Sec. 32. Within 24 hours after the initial contact between  
20 the victim of a reported offense and the law enforcement agency  
21 having the responsibility for investigating that offense, that  
22 agency shall give to the victim the following information in  
23 writing:

24           (a) The availability of emergency and medical services, if  
25 applicable.

26           (b) The availability of victim's compensation benefits and  
27 the address of the crime victims compensation board.

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1 (c) The address and telephone number of the prosecuting  
2 attorney whom the victim should contact to obtain information  
3 about victim's rights.

4 (d) The following ~~statement~~ STATEMENTS:

5 "IF YOU WOULD LIKE TO BE NOTIFIED OF AN ARREST IN YOUR CASE  
6 OR THE RELEASE OF THE PERSON ARRESTED, OR BOTH, YOU SHOULD CALL  
7 (IDENTIFY LAW ENFORCEMENT AGENCY AND TELEPHONE NUMBER) AND INFORM  
8 THEM."

9 "If you are not notified of an arrest in your case, you may  
10 call this law enforcement agency at [the law enforcement agency's  
11 telephone number] for the status of the case."

12 Sec. 35. (1) If the juvenile has been placed in a juvenile  
13 facility, not later than 48 hours after the preliminary hearing  
14 of that juvenile for a juvenile offense, the prosecuting attorney  
15 or, pursuant to an agreement under section 48a, the court shall  
16 give to the victim the telephone number of the juvenile facility  
17 and notice that the victim may contact the juvenile facility to  
18 determine whether the juvenile has been released from custody.  
19 THE LAW ENFORCEMENT AGENCY HAVING RESPONSIBILITY FOR INVESTIGAT-  
20 ING THE CRIME SHALL PROMPTLY NOTIFY THE VICTIM OF THE ARREST OR  
21 PRETRIAL RELEASE OF THE JUVENILE, OR BOTH, IF THE VICTIM REQUESTS  
22 OR HAS REQUESTED THAT INFORMATION. IF THE JUVENILE IS RELEASED  
23 FROM CUSTODY BY THE SHERIFF OR JUVENILE FACILITY, THE SHERIFF OR  
24 JUVENILE FACILITY SHALL NOTIFY THE LAW ENFORCEMENT AGENCY HAVING  
25 RESPONSIBILITY FOR INVESTIGATING THE CRIME.

26 (2) Based upon any credible evidence of acts or threats of  
27 physical violence or intimidation by the juvenile or at the

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1 juvenile's direction against the victim or the victim's immediate  
2 family, the prosecuting attorney may move that the juvenile be  
3 detained in a juvenile facility.

4       Sec. 36. (1) THE COURT SHALL ACCEPT A PETITION SUBMITTED BY  
5 A PROSECUTING ATTORNEY THAT SEEKS TO INVOKE THE COURT'S JURISDIC-  
6 TION FOR A JUVENILE OFFENSE, UNLESS THE COURT FINDS ON THE RECORD  
7 THAT THE PETITIONER'S ALLEGATIONS ARE INSUFFICIENT TO SUPPORT A  
8 CLAIM OF JURISDICTION UNDER SECTION 2(A)(1) OF CHAPTER XIIA OF  
9 THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.2.

10       (2) ~~(1)~~ Within 72 hours after the prosecuting attorney  
11 files or submits a petition seeking to invoke the court's juris-  
12 diction for an offense, the prosecuting attorney, or the court  
13 pursuant to an agreement under section 48a, shall give to each  
14 victim a written notice in plain English of each of the  
15 following:

16       (a) A brief statement of the procedural steps in ~~the~~ pro-  
17 cessing ~~of~~ a juvenile ~~offense~~ case, including the fact that a  
18 juvenile may be TRIED IN THE SAME MANNER AS AN ADULT IN A DESIG-  
19 NATED CASE OR waived to the court of general criminal  
20 jurisdiction.

21       (b) A specific list of the rights and procedures under this  
22 article.

23       (c) A CONVENIENT MEANS FOR THE VICTIM TO NOTIFY THE PROSE-  
24 CUTING ATTORNEY THAT THE VICTIM CHOOSES TO EXERCISE HIS OR HER  
25 RIGHTS UNDER THIS ARTICLE.

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1 (D) ~~(c)~~ Details and eligibility requirements FOR  
2 COMPENSATION FROM THE CRIME VICTIMS SERVICES COMMISSION under  
3 1976 PA 223, MCL 18.351 to 18.368.

4 (E) ~~(d)~~ Suggested procedures if the victim is subjected to  
5 threats or intimidation.

6 (F) ~~(e)~~ The person to contact for further information.

7 (3) ~~(2)~~ If the victim requests, the prosecuting attorney,  
8 or the court pursuant to an agreement under section 48a, shall  
9 give the victim notice of any scheduled court proceedings and any  
10 changes in that schedule.

11 (4) ~~(3)~~ If the juvenile has not already entered a plea of  
12 admission or no contest to the original charge at the preliminary  
13 hearing, the prosecuting attorney shall offer the victim the  
14 opportunity to consult with the prosecuting attorney to obtain  
15 the victim's views about the disposition of the offense, includ-  
16 ing the victim's views about dismissal, waiver, and pretrial  
17 diversion programs, before finalizing any agreement to reduce the  
18 original charge.

19 ~~(4) Before placing a juvenile in a pretrial diversion pro-~~  
20 ~~gram for committing a violation that if committed by an adult~~  
21 ~~would be a crime or a serious misdemeanor, the court shall give~~  
22 ~~the victim an opportunity to be heard regarding that placement.~~  
23 ~~The victim has the right to make a statement at the hearing or~~  
24 ~~submit a written statement, or both. As used in this~~  
25 ~~subsection:~~

26 (a) ~~"Crime" means that term as defined in section 2.~~



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1       ~~(b) "Serious misdemeanor" means that term as defined in~~  
2 ~~section 61.~~

3       (5) A victim who receives a notice under subsection (1) and  
4 chooses to receive any ~~other~~ notice OR EXERCISE ANY RIGHT under  
5 this article shall keep the following persons informed of the  
6 victim's current address and telephone number:

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

9       (b) If the juvenile is made a public ward, the family inde-  
10 pendence agency or county juvenile agency, as applicable.

11       (c) IF THE JUVENILE IS IMPRISONED, THE DEPARTMENT OF CORREC-  
12 TIONS OR THE SHERIFF AS DIRECTED BY THE PROSECUTING ATTORNEY.

13       SEC. 36B. (1) EXCEPT FOR A DISMISSAL BASED UPON A JUDICIAL  
14 FINDING ON THE RECORD THAT THE PETITION AND THE FACTS SUPPORTING  
15 IT ARE INSUFFICIENT TO SUPPORT A CLAIM OF JURISDICTION UNDER SEC-  
16 TION 2(A)(1) OF CHAPTER XIIIA OF THE PROBATE CODE OF 1939, 1939  
17 PA 288, MCL 712A.2, A CASE INVOLVING THE ALLEGED COMMISSION OF AN  
18 OFFENSE, AS DEFINED IN SECTION 31, BY A JUVENILE SHALL NOT BE  
19 DIVERTED, PLACED ON THE CONSENT CALENDAR, OR MADE SUBJECT TO ANY  
20 OTHER PREPETITION OR PREADJUDICATION PROCEDURE THAT REMOVES THE  
21 CASE FROM THE ADJUDICATIVE PROCESS UNLESS THE COURT GIVES WRITTEN  
22 NOTICE TO THE PROSECUTING ATTORNEY OF THE COURT'S INTENT TO  
23 REMOVE THE CASE FROM THE ADJUDICATIVE PROCESS AND ALLOWS THE  
24 PROSECUTING ATTORNEY THE OPPORTUNITY TO ADDRESS THE COURT ON THAT  
25 ISSUE BEFORE THE CASE IS REMOVED FROM THE ADJUDICATIVE PROCESS.  
26 BEFORE ANY FORMAL OR INFORMAL ACTION IS TAKEN, THE PROSECUTOR  
27 SHALL GIVE THE VICTIM NOTICE OF THE TIME AND PLACE OF THE HEARING

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1 ON THE PROPOSED REMOVAL OF THE CASE FROM THE ADJUDICATIVE  
2 PROCESS. THE VICTIM HAS THE RIGHT TO ATTEND THE HEARING AND TO  
3 ADDRESS THE COURT AT THE HEARING. AS PART OF ANY OTHER ORDER  
4 REMOVING ANY CASE FROM THE ADJUDICATIVE PROCESS, THE COURT SHALL  
5 ORDER THE JUVENILE OR THE JUVENILE'S PARENTS TO PROVIDE FULL RES-  
6 TITUTION AS PROVIDED IN SECTION 44.

7 (2) BEFORE FINALIZING ANY INFORMAL DISPOSITION, PREADJUDICA-  
8 TION, OR EXPEDITED PROCEDURE, THE PROSECUTING ATTORNEY SHALL  
9 OFFER THE VICTIM THE OPPORTUNITY TO CONSULT WITH THE PROSECUTING  
10 ATTORNEY TO OBTAIN THE VIEWS OF THE VICTIM ABOUT THAT MANNER OF  
11 DISPOSING OF THE CASE.

12 Sec. 38. (1) Based upon the victim's reasonable apprehen-  
13 sion of acts or threats of physical violence or intimidation by  
14 the juvenile or at the juvenile's direction against the victim or  
15 the victim's immediate family, the prosecuting attorney may move  
16 or, in the absence of a prosecuting attorney, the victim may  
17 request that the victim or any other witness not be compelled to  
18 testify at any court hearing for purposes of identifying the  
19 victim as to the victim's address, place of employment, or other  
20 personal identification without the victim's consent. A hearing  
21 on the motion shall be in camera.

22 (2) PURSUANT TO SECTION 24 OF ARTICLE I OF THE STATE CONSTI-  
23 TUTION OF 1963, GUARANTEEING TO CRIME VICTIMS THE RIGHT TO BE  
24 TREATED WITH RESPECT FOR THEIR DIGNITY AND PRIVACY, ALL OF THE  
25 FOLLOWING INFORMATION AND VISUAL REPRESENTATIONS OF A VICTIM ARE  
26 EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976  
27 PA 442, MCL 15.231 TO 15.246:

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1 (A) THE HOME ADDRESS, HOME TELEPHONE NUMBER, WORK ADDRESS,  
2 AND WORK TELEPHONE NUMBER OF THE VICTIM.

3 (B) A PICTURE, PHOTOGRAPH, DRAWING, OR OTHER VISUAL REPRE-  
4 SENTATION, INCLUDING ANY FILM, VIDEOTAPE, OR DIGITALLY STORED  
5 IMAGE OF THE VICTIM.

[(3) SUBSECTION (2) SHALL NOT PRECLUDE THE RELEASE OF  
INFORMATION TO A VICTIM ADVOCACY ORGANIZATION OR AGENCY FOR THE  
PURPOSE OF PROVIDING VICTIM SERVICES.]

6 Sec. 39. The victim has the right to be present throughout  
7 the entire contested adjudicative hearing or waiver hearing of  
8 the juvenile, unless the victim is going to be called as a  
9 witness. If the victim is going to be called as a witness, the  
10 court, for good cause shown, may order the victim to be seques-  
11 tered until the victim first testifies. THE VICTIM SHALL NOT BE  
12 SEQUESTERED AFTER HE OR SHE FIRST TESTIFIES.

13 Sec. 41. (1) The prosecuting attorney, or, pursuant to an  
14 agreement under section 48a, the court, upon and in accordance  
15 with the request of the victim, shall give ~~to~~ the victim notice  
16 of ~~both~~ ALL of the following:

17 (a) The offenses for which the juvenile was adjudicated OR  
18 CONVICTED.

19 (b) The victim's right to make ~~a written or oral~~ AN impact  
20 statement at ~~a~~ THE disposition hearing OR SENTENCING.

21 (c) The time and place of the disposition OR SENTENCING  
22 proceeding.

23 (2) If ~~there is to be~~ a report IS TO BE prepared for the  
24 ~~purpose of~~ JUVENILE'S disposition ~~concerning the juvenile~~ OR  
25 FOR A SENTENCING IN A PROCEEDING THAT IS A DESIGNATED CASE, the  
26 person preparing the report shall give notice to the victim of  
27 all of the following:

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1 (a) The victim's right to make ~~a written or oral~~ AN impact  
2 statement for use in ~~the preparation of~~ PREPARING the report.

3 (b) The address and telephone number of the person who is to  
4 prepare the report.

5 (c) ~~That~~ THE FACT THAT the report and any statement of the  
6 victim included in the report will be made available to the juve-  
7 nile unless exempted from disclosure by the court.

8 (3) A notice ~~given~~ under ~~subsections (1) and~~ SUBSECTION  
9 (1) OR (2) shall inform the victim that his or her impact state-  
10 ment may BE ORAL OR WRITTEN AND MAY include, but shall not be  
11 limited to, ANY OF the following:

12 (a) An explanation of the nature and extent of any physical,  
13 psychological, or emotional harm or trauma suffered by the  
14 victim.

15 (b) An explanation of the extent of any economic loss or  
16 property damage suffered by the victim.

17 (c) An opinion of the need for    and extent of    resti-  
18 tution and whether the victim has applied for or received compen-  
19 sation for loss or damage.

20 (d) The victim's recommendation for an appropriate disposi-  
21 tion OR SENTENCE.

22 Sec. 41a. When a juvenile is ordered to be placed in a  
23 juvenile facility OR SENTENCED TO A TERM OF IMPRISONMENT, the  
24 prosecuting attorney, or the court pursuant to an agreement under  
25 section 48a, shall provide the victim with a form the victim may  
26 submit to receive the notices from the family independence agency  
27 or county juvenile agency, as applicable, provided for under

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1 section 48. The form shall include the address of the family  
2 independence agency, ~~or~~ county juvenile agency, DEPARTMENT OF  
3 CORRECTIONS, OR THE SHERIFF, AS APPLICABLE, to which the form may  
4 be sent.

5 Sec. 42. (1) If ~~there is to be~~ a report IS TO BE prepared  
6 for the ~~purpose of~~ JUVENILE'S disposition ~~concerning the~~  
7 ~~juvenile~~ OR FOR A SENTENCING IN A PROCEEDING THAT IS A DESIG-  
8 NATED CASE, the victim ~~shall be permitted~~ HAS THE RIGHT to  
9 submit a written or oral impact statement to the person preparing  
10 the report for THAT PERSON'S use ~~by that person~~ in ~~the prepa-~~  
11 ~~ration of~~ PREPARING the report.

12 (2) IF NO PRESENTENCE REPORT IS PREPARED, THE COURT SHALL  
13 NOTIFY THE PROSECUTING ATTORNEY OF THE DATE AND TIME OF SENTENC-  
14 ING AT LEAST 10 DAYS PRIOR TO THE DISPOSITION OR SENTENCING.

15 (3) Upon the victim's request, a victim's written statement  
16 UNDER THIS SECTION shall be included in the report.

17 Sec. 43. (1) The victim ~~shall have~~ HAS the right to  
18 appear and make an oral impact statement at the JUVENILE'S dispo-  
19 sition ~~of the juvenile~~ OR SENTENCING. IF THE VICTIM IS PHYSI-  
20 CALLY OR EMOTIONALLY UNABLE TO MAKE THE ORAL IMPACT STATEMENT,  
21 THE VICTIM MAY DESIGNATE ANY OTHER PERSON 18 YEARS OF AGE OR  
22 OLDER WHO IS NEITHER THE DEFENDANT NOR INCARCERATED TO MAKE THE  
23 STATEMENT ON HIS OR HER BEHALF. THE OTHER PERSON NEED NOT BE AN  
24 ATTORNEY.

25 (2) Upon request, the victim shall be notified by the prose-  
26 cuting attorney, or, pursuant to an agreement under section 48a,

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1 the court of the disposition of the juvenile's offense not more  
2 than ~~14~~ 30 days after the disposition is made.

3 Sec. 44. (1) For purposes of this section only:

4 (a) "Offense" means a violation of a penal law of this state  
5 or a violation of an ordinance of a local unit of government of  
6 this state punishable by imprisonment or by a fine that is not a  
7 civil fine.

8 (b) "Victim" means an individual who suffers direct or  
9 threatened physical, financial, or emotional harm as a result of  
10 the commission of an offense. For purposes of subsections (2),  
11 (3), (6), (8), (9), and (13), victim includes a sole proprietor-  
12 ship, partnership, corporation, association, governmental entity,  
13 or any other legal entity that suffers direct physical or finan-  
14 cial harm as a result of an offense.

15 (2) Except as provided in subsection (8), at the disposi-  
16 tional hearing OR SENTENCING for an offense, the court shall  
17 order, in addition to or in lieu of any other disposition OR  
18 PENALTY authorized by law, that the juvenile make full restitu-  
19 tion to any victim of the juvenile's course of conduct that gives  
20 rise to the disposition OR CONVICTION or to the victim's estate.  
21 FOR AN OFFENSE THAT IS RESOLVED INFORMALLY BY MEANS OF A CONSENT  
22 CALENDAR DIVERSION OR ANY OTHER INFORMAL METHOD THAT DOES NOT  
23 RESULT IN A DISPOSITIONAL HEARING, THE COURT SHALL ORDER THE RES-  
24 TITUTION REQUIRED UNDER THIS SECTION.

25 (3) If an offense results in damage to or loss or destruc-  
26 tion of property of a victim of the offense ~~—~~ or results in the  
27 seizure or impoundment of property of a victim of the offense,

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1 the order of restitution may require that the juvenile do 1 or  
2 more of the following, as applicable:

3 (a) Return the property to the owner of the property or to a  
4 person designated by the owner.

5 (b) If return of the property under subdivision (a) is  
6 impossible, impractical, or inadequate, pay an amount equal to  
7 the greater of subparagraph (i) or (ii), less the value, deter-  
8 mined as of the date the property is returned, of that property  
9 or any part of the property that is returned:

10 (i) The value of the property on the date of the damage,  
11 loss, or destruction.

12 (ii) The value of the property on the date of disposition.

13 (c) Pay the costs of the seizure or impoundment, or both.

14 (4) If an offense results in physical or psychological  
15 injury to a victim, the order of restitution may require that the  
16 juvenile do 1 or more of the following, as applicable:

17 (a) Pay an amount equal to the REASONABLY DETERMINED cost of  
18 ~~actual~~ medical and related professional services and devices  
19 ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED relating  
20 to physical and psychological care.

21 (b) Pay an amount equal to the REASONABLY DETERMINED cost of  
22 ~~actual~~ physical and occupational therapy and rehabilitation  
23 ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED.

24 (c) Reimburse the victim or the victim's estate for  
25 after-tax income loss suffered by the victim as a result of the  
26 offense.

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1 (d) Pay an amount equal to the REASONABLY DETERMINED cost of  
2 psychological and medical treatment for members of the victim's  
3 family ~~that has been~~ ACTUALLY incurred OR REASONABLY EXPECTED  
4 TO BE INCURRED as a result of the offense.

5 (e) Pay an amount equal TO the REASONABLY DETERMINED costs  
6 of ~~actual~~ homemaking and child care expenses ACTUALLY incurred  
7 OR REASONABLY EXPECTED TO BE INCURRED as a result of the offense  
8 OR, IF HOMEMAKING OR CHILD CARE IS PROVIDED WITHOUT COMPENSATION  
9 BY A RELATIVE, FRIEND, OR ANY OTHER PERSON, AN AMOUNT EQUAL TO  
10 THE COSTS THAT WOULD REASONABLY BE INCURRED AS A RESULT OF THE  
11 OFFENSE FOR THAT HOMEMAKING AND CHILD CARE, BASED ON THE RATES IN  
12 THE AREA FOR COMPARABLE SERVICES.

13 (F) ~~(5) If an offense resulting in bodily injury also~~  
14 ~~results in the death of a victim, the order of restitution may~~  
15 ~~require that the juvenile pay~~ PAY an amount equal to the cost of  
16 actual funeral and related services.

17 (G) IF THE DECEASED VICTIM COULD BE CLAIMED AS A DEPENDENT  
18 BY HIS OR HER PARENT OR GUARDIAN ON THE PARENT'S OR GUARDIAN'S  
19 FEDERAL, STATE, OR LOCAL INCOME TAX RETURNS, PAY AN AMOUNT EQUAL  
20 TO THE LOSS OF THE TAX DEDUCTION OR TAX CREDIT. THE AMOUNT OF  
21 REIMBURSEMENT SHALL BE ESTIMATED FOR EACH YEAR THE VICTIM COULD  
22 REASONABLY BE CLAIMED AS A DEPENDENT.

23 (5) IF AN OFFENSE RESULTING IN BODILY INJURY ALSO RESULTS IN  
24 THE DEATH OF A VICTIM OR SERIOUS IMPAIRMENT OF A BODY FUNCTION OF  
25 A VICTIM, THE COURT MAY ORDER UP TO 3 TIMES THE AMOUNT OF RESTI-  
26 TUTION OTHERWISE ALLOWED UNDER THIS SECTION. AS USED IN THIS



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1 SUBSECTION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION OF A VICTIM"  
2 INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

- 3 (A) LOSS OF A LIMB OR USE OF A LIMB.  
4 (B) LOSS OF A HAND OR FOOT OR USE OF A HAND OR FOOT.  
5 (C) LOSS OF AN EYE OR USE OF AN EYE OR EAR.  
6 (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.  
7 (E) SERIOUS VISIBLE DISFIGUREMENT.  
8 (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.  
9 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.  
10 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.  
11 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.  
12 (J) LOSS OF A BODY ORGAN.

13 (6) If the victim or victim's estate consents, the order of  
14 restitution may require that the juvenile make restitution in  
15 services in lieu of money.

16 (7) If the victim is deceased, the court shall order that  
17 the restitution be made to the victim's estate.

18 (8) The court shall order restitution to the crime ~~victims~~  
19 ~~compensation board~~ VICTIM SERVICES COMMISSION or to any individ-  
20 uals, partnerships, corporations, associations, governmental  
21 entities, or other legal entities that have compensated the  
22 victim or the victim's estate for a loss incurred by the victim  
23 to the extent of the compensation paid for that loss. The court  
24 shall also order restitution for the costs of services provided  
25 to persons or entities that have provided services to the victim  
26 as a result of the offense. Services that are subject to  
27 restitution under this subsection include, but are not limited

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1 to, shelter, food, clothing, and transportation. However, an  
2 order of restitution shall require that all restitution to a  
3 victim or victim's estate under the order be made before any res-  
4 titution to any other person or entity under that order is made.  
5 The court shall not order restitution to be paid to a victim or  
6 victim's estate if the victim or victim's estate has received or  
7 is to receive compensation for that loss, and the court shall  
8 state on the record with specificity the reasons for its action.  
9 ~~If an entity entitled to restitution under this subsection for~~  
10 ~~compensating the victim or the victim's estate cannot or refuses~~  
11 ~~to be reimbursed for that compensation, the restitution paid for~~  
12 ~~that entity shall be deposited in the crime victim's rights~~  
13 ~~assessment fund or its successor fund.~~

14 (9) Any amount paid to a victim or victim's estate under an  
15 order of restitution shall be set off against any amount later  
16 recovered as compensatory damages by the victim or the victim's  
17 estate in any federal or state civil proceeding and shall reduce  
18 the amount payable to a victim or a victim's estate by an award  
19 from the crime ~~victims compensation board~~ VICTIM SERVICES  
20 COMMISSION made after an order of restitution under this  
21 section.

22 (10) If not otherwise provided by the court under this sub-  
23 section, restitution shall be made immediately. However, the  
24 court may require that the juvenile make restitution under this  
25 section within a specified period or in specified installments.

26 (11) If the juvenile is placed on probation, any restitution  
27 ordered under this section shall be a condition of that

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1 probation. The court may revoke probation if the juvenile fails  
2 to comply with the order and if the juvenile has not made a good  
3 faith effort to comply with the order. In determining whether to  
4 revoke probation, the court shall consider the juvenile's employ-  
5 ment status, earning ability, AND financial resources, the will-  
6 fulness of the juvenile's failure to pay, and any other special  
7 circumstances that may have a bearing on the juvenile's ability  
8 to pay.

9 (12) A juvenile who is required to pay restitution and who  
10 is not in willful default of the payment of the restitution may  
11 at any time petition the court to modify the method of payment.  
12 If the court determines that payment under the order will impose  
13 a manifest hardship on the juvenile or his or her immediate  
14 family, AND IF THE COURT ALSO DETERMINES THAT MODIFYING THE  
15 METHOD OF PAYMENT WILL NOT IMPOSE A MANIFEST HARDSHIP ON THE  
16 VICTIM, the court may modify the method of payment.

17 (13) An order of restitution entered under this section  
18 remains effective until it is satisfied in full. An order of  
19 restitution is a judgment and lien against all property of the  
20 individual ordered to pay restitution for the amount specified in  
21 the order of restitution. The lien may be recorded as provided  
22 by law. An order of restitution may be enforced [

23 ] by the prosecuting attorney, a victim, a victim's  
24 estate, or any other person or entity named in the order to  
25 receive the restitution in the same manner as a judgment in a  
26 civil action or a lien.

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1           (14) Notwithstanding any other provision of this section, a  
2 juvenile shall not be detained OR IMPRISONED for a violation of  
3 probation ~~—,~~ or PAROLE OR otherwise ~~—,~~ for failure to pay res-  
4 titution as ordered under this section unless the court deter-  
5 mines that the juvenile has the resources to pay the ordered res-  
6 titution and has not made a good faith effort to do so.

7           (15) If the court determines that the juvenile is or will be  
8 unable to pay all of the restitution ordered, after notice to the  
9 juvenile's parent or parents and an opportunity for the parent or  
10 parents to be heard, the court may order the parent or parents  
11 having supervisory responsibility for the juvenile at the time of  
12 the acts upon which an order of restitution is based to pay any  
13 portion of the restitution ordered that is outstanding. An order  
14 under this subsection does not relieve the juvenile of his or her  
15 obligation to pay restitution as ordered, but the amount owed by  
16 the juvenile shall be offset by any amount paid by his or her  
17 parent. As used in this subsection, "parent" does not include a  
18 foster parent.

19           (16) If the court orders a parent to pay restitution under  
20 subsection (15), the court shall take into account the PARENT'S  
21 financial resources ~~of the parent~~ and the burden that the pay-  
22 ment of restitution will impose, with due regard to any other  
23 moral or legal financial obligations ~~that~~ the parent may have.  
24 If a parent is required to pay restitution under subsection (15),  
25 the court shall provide for payment to be made in specified  
26 installments and within a specified period of time.

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1 (17) A parent who has been ordered to pay restitution under  
2 subsection (15) may petition the court for a modification of the  
3 amount of restitution owed by the parent or for a cancellation of  
4 any unpaid portion of the parent's obligation. The court shall  
5 cancel all or part of the parent's obligation due if the court  
6 determines that payment of the amount due will impose a manifest  
7 hardship on the parent AND IF THE COURT ALSO DETERMINES THAT MOD-  
8 IFYING THE METHOD OF PAYMENT WILL NOT IMPOSE A MANIFEST HARDSHIP  
9 ON THE VICTIM.

10 (18) In each case in which payment of restitution is ordered  
11 as a condition of probation, the COURT MAY ORDER ANY EMPLOYED  
12 JUVENILE TO EXECUTE A WAGE ASSIGNMENT TO PAY THE RESTITUTION.  
13 THE juvenile caseworker or probation officer assigned to the case  
14 shall review the case not less than twice yearly to ensure that  
15 restitution is being paid as ordered. IF THE RESTITUTION WAS  
16 ORDERED TO BE MADE WITHIN A SPECIFIC PERIOD OF TIME, THE JUVENILE  
17 CASEWORKER OR PROBATION OFFICER ASSIGNED TO THE CASE SHALL REVIEW  
18 THE CASE AT THE END OF THE SPECIFIC PERIOD OF TIME TO DETERMINE  
19 IF THE RESTITUTION HAS BEEN PAID IN FULL. The final review shall  
20 be conducted not less than 60 days before the ~~expiration of the~~  
21 probationary period EXPIRES. If the juvenile caseworker or pro-  
22 bation officer determines AT ANY REVIEW the restitution is not  
23 being paid as ordered, the juvenile caseworker or probation offi-  
24 cer shall file a written report of the violation with the court  
25 on a form prescribed by the state court administrative office OR  
26 SHALL PETITION THE COURT FOR A PROBATION VIOLATION. The report  
27 OR PETITION shall include a statement of the amount of the

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1 arrearage, and any reasons for the arrearage ~~that are~~ known by  
2 the juvenile caseworker or probation officer. The juvenile case-  
3 worker or probation officer shall immediately provide a copy of  
4 the report OR PETITION to the prosecuting attorney. If a  
5 PETITION OR motion is filed or other proceedings are initiated to  
6 enforce payment of restitution and the court determines that res-  
7 titution is not being paid or has not been paid as ordered by the  
8 court, the court shall promptly take action necessary to compel  
9 compliance.

10 (19) If the court determines that an individual who is  
11 ordered to pay restitution under this section is remanded to the  
12 jurisdiction of the department of corrections, the court shall  
13 provide a copy of the order of restitution to the department of  
14 corrections when the court determines that the individual is  
15 remanded to the department's jurisdiction.

16 (20) THE COURT SHALL NOT IMPOSE A FEE ON A VICTIM, VICTIM'S  
17 ESTATE, OR PROSECUTING ATTORNEY FOR ENFORCING AN ORDER OF  
18 RESTITUTION.

19 (21) IF A PERSON OR ENTITY ENTITLED TO RESTITUTION CANNOT BE  
20 LOCATED OR REFUSES TO CLAIM THAT RESTITUTION WITHIN 2 YEARS AFTER  
21 THE DATE ON WHICH HE OR SHE COULD HAVE CLAIMED THE RESTITUTION,  
22 THE RESTITUTION PAID TO THAT PERSON OR ENTITY SHALL BE DEPOSITED  
23 IN THE CRIME VICTIM'S RIGHTS FUND CREATED UNDER SECTION 4 OF 1989  
24 PA 196, MCL 780.904, OR ITS SUCCESSOR FUND. HOWEVER, A PERSON OR  
25 ENTITY ENTITLED TO THAT RESTITUTION MAY CLAIM THAT RESTITUTION  
26 ANY TIME BY APPLYING TO THE COURT THAT ORIGINALLY ORDERED AND  
27 COLLECTED IT. THE COURT SHALL NOTIFY THE CRIME VICTIM SERVICES

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1 COMMISSION OF THE APPLICATION AND THE COMMISSION SHALL APPROVE A  
2 REDUCTION IN THE COURT'S REVENUE TRANSMITTAL TO THE CRIME VICTIM  
3 RIGHTS FUND EQUAL TO THE RESTITUTION OWED TO THE PERSON OR  
4 ENTITY. THE COURT SHALL USE THE REDUCTION TO REIMBURSE THAT RES-  
5 TITUTION TO THE PERSON OR ENTITY.

6 SEC. 44A. (1) IF A JUVENILE IS SUBJECT TO ANY COMBINATION  
7 OF FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE  
8 SUPERVISION FEES, OR OTHER PAYMENTS ARISING OUT OF THE SAME CRIM-  
9 INAL PROCEEDING, MONEY COLLECTED FROM THAT JUVENILE FOR THE PAY-  
10 MENT OF FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR  
11 PAROLE SUPERVISION FEES, OR OTHER PAYMENTS SHALL BE ALLOCATED AS  
12 PROVIDED IN THIS SECTION.

13 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A  
14 JUVENILE IS SUBJECT TO PAYMENT OF VICTIM PAYMENTS AND ANY COMBI-  
15 NATION OF OTHER FINES, COSTS, ASSESSMENTS, PROBATION OR PAROLE  
16 SUPERVISION FEES, OR OTHER PAYMENTS, 50% OF EACH PAYMENT COL-  
17 LECTED BY THE COURT FROM THAT JUVENILE SHALL BE APPLIED TO PAY-  
18 MENT OF VICTIM PAYMENTS, AND THE BALANCE SHALL BE APPLIED TO PAY-  
19 MENT OF FINES, COSTS, SUPERVISION FEES, AND OTHER ASSESSMENTS OR  
20 PAYMENTS. IF ANY FINES, COSTS, SUPERVISION FEES, OR OTHER  
21 ASSESSMENTS OR PAYMENTS REMAIN UNPAID AFTER ALL OF THE VICTIM  
22 PAYMENTS HAVE BEEN PAID, ANY ADDITIONAL MONEY COLLECTED SHALL BE  
23 APPLIED TO PAYMENT OF THOSE FINES, COSTS, SUPERVISION FEES, OR  
24 OTHER ASSESSMENTS OR PAYMENTS. IF ANY VICTIM PAYMENTS REMAIN  
25 UNPAID AFTER ALL OF THE FINES, COSTS, SUPERVISION FEES, OR OTHER  
26 ASSESSMENTS OR PAYMENTS HAVE BEEN PAID, ANY ADDITIONAL MONEY

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1 COLLECTED SHALL BE APPLIED TOWARD PAYMENT OF THOSE VICTIM  
2 PAYMENTS.

3 (3) IN CASES INVOLVING PROSECUTIONS FOR VIOLATIONS OF STATE  
4 LAW, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF FINES,  
5 COSTS, PROBATION AND PAROLE SUPERVISION FEES, AND ASSESSMENTS OR  
6 PAYMENTS OTHER THAN VICTIM PAYMENTS SHALL BE APPLIED IN THE FOL-  
7 LOWING ORDER OF PRIORITY:

8 (A) PAYMENT OF COSTS.

9 (B) PAYMENT OF FINES.

10 (C) PAYMENT OF PROBATION OR PAROLE SUPERVISION FEES.

11 (D) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS, INCLUDING  
12 REIMBURSEMENT TO THIRD PARTIES WHO REIMBURSED A VICTIM FOR HIS OR  
13 HER LOSS.

14 (4) IN CASES INVOLVING PROSECUTIONS FOR VIOLATIONS OF LOCAL  
15 ORDINANCES, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF  
16 FINES, COSTS, AND ASSESSMENTS OR PAYMENTS OTHER THAN VICTIM PAY-  
17 MENTS SHALL BE APPLIED IN THE FOLLOWING ORDER OF PRIORITY:

18 (A) PAYMENT OF FINES AND COSTS.

19 (B) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS.

20 (5) AS USED IN THIS SECTION, "VICTIM PAYMENT" MEANS RESTITU-  
21 TION ORDERED TO BE PAID TO THE VICTIM, TO THE VICTIM'S ESTATE,  
22 BUT NOT TO A PERSON WHO REIMBURSED THE VICTIM FOR HIS OR HER  
23 LOSS; OR AN ASSESSMENT ORDERED UNDER SECTION 5 OF 1989 PA 196,  
24 MCL 780.905.

25 Sec. 46. (1) Upon the request of the victim, the prosecut-  
26 ing attorney shall notify the victim of the following:



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1 (a) That the juvenile ~~has~~ filed an appeal of his or her  
2 adjudication, CONVICTION, DISPOSITION, OR SENTENCE OR THE  
3 PROSECUTING ATTORNEY FILED AN APPEAL.

4 (b) Whether the juvenile has been ordered released on bail  
5 or other recognizance pending the disposition of the appeal. If  
6 the prosecuting attorney is notified that the juvenile has been  
7 ordered released on bail or other recognizance pending disposi-  
8 tion of the appeal, the prosecuting attorney shall use any means  
9 reasonably calculated to give the victim notice of that order  
10 within 24 hours after the prosecuting attorney is notified of the  
11 order.

12 (c) The time and place of any appellate court proceedings  
13 and any changes in the time or place of those proceedings.

14 (d) The result of the appeal. If ~~the prosecuting attorney~~  
15 ~~is notified that~~ the disposition OR CONVICTION is ordered  
16 reversed, ~~or~~ THE SENTENCE IS VACATED, the case is remanded for  
17 ~~further proceedings~~ A NEW TRIAL, OR THE PROSECUTING ATTORNEY'S  
18 APPEAL IS DENIED, ~~the~~ AND IF THE PROSECUTING ATTORNEY HAS FILED  
19 THE APPROPRIATE NOTICE WITH THE APPELLATE COURT, THE APPELLATE  
20 COURT SHALL EXPEDITE DELIVERY OF THE RELEVANT DOCUMENT TO THE  
21 PROSECUTING ATTORNEY'S OFFICE BY ANY MEANS REASONABLY CALCULATED  
22 TO GIVE THE PROSECUTING ATTORNEY PROMPT NOTICE. THE prosecuting  
23 attorney shall use any means reasonably calculated to give the  
24 victim notice of that order within 24 hours after the prosecuting  
25 attorney is notified of the order.

26 (2) If the prosecuting attorney is not successful in  
27 notifying the victim of an event described in subsection (1)

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1 within the period set forth in that subsection, ~~for~~  
2 ~~notification,~~ the prosecuting attorney shall notify the victim  
3 of that event as soon as possible by any means reasonably calcu-  
4 lated to give the victim prompt actual notice.

5 (3) Upon the request of the victim, the prosecuting attorney  
6 shall provide the victim with a brief explanation in plain  
7 English of the appeal process, including the possible  
8 dispositions.

9 (4) ~~In the event the juvenile's adjudication or order of~~  
10 ~~disposition is reversed and~~ IF the case is returned to the  
11 ~~trial~~ court for further proceedings OR A NEW TRIAL, the victim  
12 ~~shall have~~ HAS the same rights AS previously requested during  
13 the proceedings ~~which~~ THAT led to the appeal.

14 Sec. 46a. (1) If a juvenile applies to have A CONVICTION  
15 FOR AN ASSAULTIVE CRIME OR SERIOUS MISDEMEANOR OR an adjudication  
16 for an offense that if committed by an adult would be an assault-  
17 ive crime or a serious misdemeanor set aside under section 18e of  
18 chapter XIIIA of THE PROBATE CODE OF 1939, ~~Act No. 288 of the~~  
19 ~~Public Acts of 1939, being section 712A.18e of the Michigan~~  
20 ~~Compiled Laws, and if the name of the victim is known by~~ 1939  
21 PA 288, MCL 712A.18E, AND the prosecuting attorney KNOWS THE  
22 VICTIM'S NAME, the prosecuting attorney shall give ~~to~~ the  
23 victim of the offense written notice of the application and for-  
24 ward a copy of the application to the victim. The notice shall  
25 be by first-class mail to the victim's last known address. The  
26 victim has the right to appear at any proceeding under section  
27 18e of chapter XIIIA of THE PROBATE CODE OF 1939, ~~Act No. 288 of~~

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1 ~~the Public Acts of 1939~~ 1939 PA 288, MCL 712A.18E, concerning  
2 that adjudication and make a written or oral statement.

3 (2) As used in this section:

4 (a) "Assaultive crime" means that term as defined in  
5 section 9a of chapter X of the code of criminal procedure, ~~Act~~  
6 ~~No. 175 of the Public Acts of 1927, being section 770.9a of the~~  
7 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 770.9A.

8 (b) "Serious misdemeanor" means that term as defined in sec-  
9 tion 61.

10 Sec. 48. (1) Upon the victim's written request, the court  
11 or the family independence agency or county juvenile agency, as  
12 applicable, shall make a good faith effort to notify the victim  
13 before any of the following occurs:

14 (a) The juvenile is dismissed from court jurisdiction or  
15 discharged from commitment to the family independence agency or  
16 county juvenile agency.

17 (b) The juvenile is transferred from a ~~secure~~ juvenile  
18 facility to ~~a nonsecure~~ ANY OTHER juvenile facility.

19 (c) The juvenile has his or her name legally changed while  
20 under the court's jurisdiction or within 2 years after discharge  
21 from the court's jurisdiction.

22 (D) THE JUVENILE IS DETAINED FOR HAVING COMMITTED AN ACT  
23 WHICH, IF COMMITTED BY AN ADULT, WOULD BE A CRIMINAL VIOLATION.

24 (2) If the court, family independence agency, or county  
25 juvenile agency is not successful in notifying the victim before  
26 an event described in subsection (1)(a), (b), or (c) occurs, it

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1 shall notify the victim as soon as possible after that event  
2 occurs.

3       (3) Upon the victim's written request, the family indepen-  
4 dence agency, county juvenile agency, or court shall give to the  
5 victim notice of a juvenile's escape from a secure detention or  
6 treatment facility. A victim who requests notice of an escape  
7 shall be given immediate notice of the escape by any means rea-  
8 sonably calculated to give prompt actual notice.

9       (4) UPON THE VICTIM'S WRITTEN REQUEST, THE SHERIFF OR THE  
10 DEPARTMENT OF CORRECTIONS SHALL MAIL TO THE VICTIM THE FOLLOWING,  
11 AS APPLICABLE, ABOUT A JUVENILE WHO HAS BEEN SENTENCED TO IMPRIS-  
12 ONMENT UNDER THE JURISDICTION OF THE SHERIFF OR THE DEPARTMENT  
13 FOR THE OFFENSE AGAINST THAT VICTIM:

14       (A) WITHIN 30 DAYS AFTER THE REQUEST, NOTICE OF THE  
15 SHERIFF'S CALCULATION OF THE JUVENILE'S EARLIEST RELEASE DATE OR  
16 THE DEPARTMENT'S CALCULATION OF THE JUVENILE'S EARLIEST PAROLE  
17 ELIGIBILITY, WITH ALL POTENTIAL GOOD TIME OR DISCIPLINARY CREDITS  
18 CONSIDERED, IF THE SENTENCE OF IMPRISONMENT EXCEEDS 90 DAYS. THE  
19 VICTIM MAY REQUEST 1-TIME ONLY NOTICE OF THE CALCULATION  
20 DESCRIBED IN THIS SUBDIVISION.

21       (B) NOTICE OF THE JUVENILE'S TRANSFER OR PENDING TRANSFER TO  
22 A MINIMUM SECURITY FACILITY AND THE FACILITY'S ADDRESS.

23       (C) NOTICE OF THE JUVENILE'S RELEASE OR PENDING RELEASE IN A  
24 COMMUNITY RESIDENTIAL PROGRAM, UNDER FURLOUGH, OR ANY OTHER  
25 TRANSFER TO COMMUNITY STATUS; ANY TRANSFER FROM 1 COMMUNITY RESI-  
26 DENTIAL PROGRAM OR ELECTRONIC MONITORING PROGRAM TO ANOTHER; OR

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1 ANY TRANSFER FROM A COMMUNITY RESIDENTIAL PROGRAM OR ELECTRONIC  
2 MONITORING PROGRAM TO A STATE CORRECTIONAL FACILITY.

3 (D) NOTICE OF THE ESCAPE OF THE JUVENILE ACCUSED, CONVICTED,  
4 OR IMPRISONED FOR COMMITTING AN OFFENSE AGAINST THE VICTIM.

5 (E) NOTICE OF THE VICTIM'S RIGHT TO ADDRESS OR SUBMIT A  
6 WRITTEN STATEMENT FOR CONSIDERATION BY A PAROLE BOARD MEMBER OR A  
7 MEMBER OF ANY OTHER PANEL HAVING AUTHORITY OVER THE JUVENILE'S  
8 RELEASE ON PAROLE.

9 (F) NOTICE OF THE DECISION OF THE PAROLE BOARD, OR ANY OTHER  
10 PANEL HAVING AUTHORITY OVER THE JUVENILE'S RELEASE ON PAROLE,  
11 AFTER A PAROLE REVIEW.

12 (G) NOTICE OF THE RELEASE OF A JUVENILE 90 DAYS BEFORE THE  
13 DATE OF THE JUVENILE'S DISCHARGE FROM PRISON, UNLESS THE NOTICE  
14 HAS BEEN OTHERWISE PROVIDED UNDER THIS ARTICLE.

15 (H) NOTICE OF A PUBLIC HEARING UNDER SECTION 44 OF 1953  
16 PA 232, MCL 791.244, REGARDING A REPRIEVE, COMMUTATION, OR PARDON  
17 OF THE JUVENILE'S SENTENCE BY THE GOVERNOR.

18 (I) NOTICE THAT A REPRIEVE, COMMUTATION, OR PARDON HAS BEEN  
19 GRANTED.

20 (J) NOTICE THAT A JUVENILE HAS HAD HIS OR HER NAME LEGALLY  
21 CHANGED WHILE ON PAROLE OR WITHIN 2 YEARS AFTER RELEASE FROM  
22 PAROLE.

23 (5) A VICTIM'S ADDRESS AND TELEPHONE NUMBER MAINTAINED BY A  
24 SHERIFF OR THE DEPARTMENT OF CORRECTIONS UPON A REQUEST FOR  
25 NOTICE UNDER SUBSECTION (4) IS EXEMPT FROM DISCLOSURE UNDER THE  
26 FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

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1 (6) AS PROVIDED IN SUBSECTION (7) OR (8), A VICTIM WHO  
2 REQUESTS NOTICE OF THE ESCAPE AND THE PROSECUTING ATTORNEY WHO  
3 FILED THE PETITION ALLEGING THE OFFENSE FOR WHICH THE JUVENILE IS  
4 ACCUSED, DETAINED, OR UNDER SENTENCE SHALL BE GIVEN IMMEDIATE  
5 NOTICE OF THE JUVENILE'S ESCAPE. THE NOTICE SHALL BE GIVEN BY  
6 ANY MEANS REASONABLY CALCULATED TO GIVE PROMPT ACTUAL NOTICE.

7 (7) IF THE ESCAPE OCCURS BEFORE THE SENTENCE IS EXECUTED OR  
8 BEFORE THE JUVENILE IS DELIVERED TO THE FAMILY INDEPENDENCE  
9 AGENCY, COUNTY JUVENILE AGENCY, SHERIFF, OR THE DEPARTMENT OF  
10 CORRECTIONS, THE PERSON IN CHARGE OF THE AGENCY IN CHARGE OF THE  
11 JUVENILE'S DETENTION SHALL GIVE NOTICE OF THE ESCAPE TO THE PROS-  
12 ECUTING ATTORNEY, WHO SHALL THEN GIVE NOTICE OF THE ESCAPE TO A  
13 VICTIM WHO REQUESTED NOTICE.

14 (8) IF THE JUVENILE IS CONFINED UNDER SENTENCE, THE NOTICE  
15 OF ESCAPE SHALL BE GIVEN TO THE VICTIM AND THE PROSECUTING ATTOR-  
16 NEY BY THE CHIEF ADMINISTRATOR OF THE PLACE IN WHICH THE JUVENILE  
17 IS CONFINED.

18 (9) ~~(4)~~ Upon the victim's request, the prosecuting attor-  
19 ney shall give the victim notice of a review hearing conducted  
20 under section 18 of chapter XIIIA of THE PROBATE CODE OF 1939,  
21 1939 PA 288, MCL 712A.18. The victim has the right to make a  
22 statement at the hearing or submit a written statement for use at  
23 the hearing, or both.

24 Sec. 61. (1) ~~As~~ EXCEPT AS OTHERWISE DEFINED IN THIS ARTI-  
25 CLE, AS used in this article:

26 (a) "Serious misdemeanor" means 1 or more of the following:

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1 (i) A violation of section 81 of the Michigan penal code,  
2 ~~Act No. 328 of the Public Acts of 1931, being section 750.81 of~~  
3 ~~the Michigan Compiled Laws 1931 PA 328, MCL 750.81, assault and~~  
4 battery, INCLUDING DOMESTIC VIOLENCE.

5 (ii) A violation of section 81a of ~~Act No. 328 of the~~  
6 ~~Public Acts of 1931, being section 750.81a of the Michigan~~  
7 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81A,  
8 assault; infliction of serious injury, INCLUDING AGGRAVATED  
9 DOMESTIC VIOLENCE.

10 (iii) A violation of section 115 of ~~Act No. 328 of the~~  
11 ~~Public Acts of 1931, being section 750.115 of the Michigan~~  
12 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.115,  
13 breaking and entering or illegal entry.

14 (iv) A violation of section ~~136b(5)~~ 136B(6) of ~~Act~~  
15 ~~No. 328 of the Public Acts of 1931, being section 750.136b of the~~  
16 ~~Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
17 MCL 750.136B, child abuse in the fourth degree.

18 (v) A violation of section 145a of ~~Act No. 328 of the~~  
19 ~~Public Acts of 1931, being section 750.145a of the Michigan~~  
20 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
21 MCL 750.145A, enticing a child for immoral purposes.

22 (vi) A violation of section 234 of ~~Act No. 328 of the~~  
23 ~~Public Acts of 1931, being section 750.234 of the Michigan~~  
24 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.234,  
25 discharge of a firearm intentionally aimed at a person.

26 (vii) A violation of section 235 of ~~Act No. 328 of the~~  
27 ~~Public Acts of 1931, being section 750.235 of the Michigan~~

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1 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.235,  
2 discharge of an intentionally aimed firearm resulting in injury.

3 (viii) A violation of section 335a of ~~Act No. 328 of the~~  
4 ~~Public Acts of 1931, being section 750.335a of the Michigan~~  
5 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,  
6 MCL 750.335A, indecent exposure.

7 (ix) A violation of section 617a of the Michigan vehicle  
8 code, ~~Act No. 300 of the Public Acts of 1949, being section~~  
9 ~~257.617a of the Michigan Compiled Laws~~ 1949 PA 300,  
10 MCL 257.617A, leaving the scene of a personal injury accident.

11 (x) A violation of section 625 of ~~Act No. 300 of the Public~~  
12 ~~Acts of 1949, being section 257.625 of the Michigan Compiled~~  
13 ~~Laws~~ THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, oper-  
14 ating a vehicle while under the influence of or impaired by  
15 intoxicating liquor or a controlled substance, or with an unlaw-  
16 ful blood alcohol content, if the violation involves an accident  
17 resulting in damage to another individual's property or physical  
18 injury or death to another individual.

19 (xi) Selling or furnishing alcoholic liquor to an individual  
20 less than 21 years of age in violation of section ~~33~~ 701 of the  
21 Michigan liquor control ~~act, Act No. 8 of the Extra Session of~~  
22 ~~the Public Acts of 1933, being section 436.33 of the Michigan~~  
23 ~~Compiled Laws~~ CODE OF 1998, 1998 PA 58, MCL 436.1701, if the  
24 violation results in physical injury or death to any individual.

25 (xii) A violation of section 411h of ~~Act No. 328 of the~~  
26 ~~Public Acts of 1931, being section 750.411h of the Michigan~~



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1 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,

2 MCL 750.411H, stalking.

3       (xiii) A violation of section ~~80176 of part 801 (marine~~  
4 ~~safety)~~ 80176(1) OR (3) of the natural resources and environmen-  
5 tal protection act, ~~Act No. 451 of the Public Acts of 1994,~~  
6 ~~being section 324.80176 of the Michigan Compiled Laws~~ 1994  
7 PA 451, MCL 324.80176, operating a vessel while under the influ-  
8 ence of or impaired by intoxicating liquor or a controlled sub-  
9 stance, or with an unlawful blood alcohol content, if the viola-  
10 tion involves an accident resulting in damage to another  
11 individual's property or physical injury or death to any  
12 individual.

13       (xiv) A violation of a local ordinance substantially corre-  
14 sponding to a violation enumerated in subparagraphs (i) to  
15 (xiii).

16       (xv) A violation charged as a crime or serious misdemeanor  
17 ENUMERATED IN SUBPARAGRAPHS (i) TO (xiv) but subsequently reduced  
18 to or pleaded to as a misdemeanor. As used in this subparagraph,  
19 "crime" means that term as defined in section 2.

20       (b) "Defendant" means a person charged with or convicted of  
21 having committed a serious misdemeanor against a victim.

22       (c) "Final disposition" means the ultimate termination of  
23 the criminal prosecution of a defendant including, but not  
24 limited to, dismissal, acquittal, or imposition of a sentence by  
25 the court.

26       (d) "Person" means an individual, organization, partnership,  
27 corporation, or governmental entity.

1 (e) "Prisoner" means a person who has been convicted and  
2 sentenced to imprisonment for having committed a serious misde-  
3 meanor against a victim.

4 (f) "Prosecuting attorney" means the prosecuting attorney  
5 for a county, an assistant prosecuting attorney for a county, the  
6 attorney general, the deputy attorney general, an assistant  
7 attorney general, a special prosecuting attorney, or, in connec-  
8 tion with the prosecution of an ordinance violation, an attorney  
9 for the political subdivision that enacted the ordinance upon  
10 which the violation is based.

11 (g) "Victim" ~~, except as otherwise defined in this~~  
12 ~~article,~~ means any of the following:

13 (i) An individual who suffers direct or threatened physical,  
14 financial, or emotional harm as a result of the commission of a  
15 serious misdemeanor, except as provided in subparagraph (ii),  
16 (iii), or (iv).

17 (ii) The following individuals other than the defendant if  
18 the victim is deceased:

19 (A) The spouse of the deceased victim.

20 (B) A child of the deceased victim if the child is 18 years  
21 of age or older and sub-subparagraph (A) does not apply.

22 (C) A parent of a deceased victim if sub-subparagraphs (A)  
23 and (B) do not apply.

24 (D) The guardian or custodian of a child of a deceased  
25 victim if the child is less than 18 years of age and  
26 sub-subparagraphs (A) to (C) do not apply.

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1 (E) A sibling of the deceased victim if sub-subparagraphs  
2 (A) to (D) do not apply.

3 (F) A grandparent of the deceased victim if  
4 sub-subparagraphs (A) to (E) do not apply.

5 (iii) A parent, guardian, or custodian of a victim who is  
6 less than 18 years of age AND WHO IS NEITHER THE DEFENDANT NOR  
7 INCARCERATED, if the parent, guardian, or custodian so chooses.

8 (iv) A parent, guardian, or custodian of a victim who is so  
9 mentally incapacitated that he or she cannot meaningfully under-  
10 stand or participate in the legal process IF HE OR SHE IS NOT THE  
11 DEFENDANT AND IS NOT INCARCERATED.

12 (2) If a victim as defined in subsection (1)(g)(i) is physi-  
13 cally or emotionally unable to exercise the privileges and rights  
14 under this article, the victim may designate his or her spouse,  
15 ~~or a~~ child 18 years of age or older, parent, sibling, or grand-  
16 parent ~~of the victim~~ OR ANY OTHER PERSON 18 YEARS OF AGE OR  
17 OLDER WHO IS NEITHER THE DEFENDANT NOR INCARCERATED to act in HIS  
18 OR HER place ~~of the victim during the duration of~~ WHILE the  
19 physical or emotional disability CONTINUES. The victim shall pro-  
20 vide the prosecuting attorney with the name of the person who is  
21 to act in place of the victim. During the physical or emotional  
22 disability, notices to be provided under this article to the  
23 victim shall continue to be sent only to the victim.

24 (3) An individual who is charged with a serious misdemeanor,  
25 ~~or~~ a crime as defined in section 2, OR AN OFFENSE AS DEFINED IN  
26 SECTION 31 arising out of the same transaction from which the  
27 charge against the defendant arose is not eligible to exercise

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1 the privileges and rights established for victims under this  
2 article.

3 (4) AN INDIVIDUAL WHO IS INCARCERATED IS NOT ELIGIBLE TO  
4 EXERCISE THE PRIVILEGES AND RIGHTS ESTABLISHED FOR VICTIMS UNDER  
5 THIS ARTICLE EXCEPT THAT HE OR SHE MAY SUBMIT A WRITTEN STATEMENT  
6 TO THE COURT FOR CONSIDERATION AT SENTENCING.

7 Sec. 63. (1) Within 24 hours after the initial contact  
8 between the victim of a reported serious misdemeanor and the law  
9 enforcement agency having the responsibility for investigating  
10 that serious misdemeanor, that agency shall give to the victim  
11 the following information in writing:

12 (a) The availability of emergency and medical services, if  
13 applicable.

14 (b) The availability of victim's compensation benefits and  
15 the address of the crime victims compensation board.

16 (c) The address and telephone number of the prosecuting  
17 attorney whom the victim should contact to obtain information  
18 about victim's rights.

19 (d) The following ~~statement~~ STATEMENTS:

20 "IF YOU WOULD LIKE TO BE NOTIFIED OF AN ARREST IN YOUR CASE  
21 OR THE RELEASE OF THE PERSON ARRESTED, OR BOTH, YOU SHOULD CALL  
22 (IDENTIFY LAW ENFORCEMENT AGENCY AND TELEPHONE NUMBER) AND INFORM  
23 THEM."

24 "If you are not notified of an arrest in your case, you may  
25 call this law enforcement agency at [the law enforcement agency's  
26 telephone number] for the status of the case."

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1 (2) IF THE CASE AGAINST THE DEFENDANT IS BROUGHT UNDER A  
2 LOCAL ORDINANCE, THE LAW ENFORCEMENT AGENCY HAVING RESPONSIBILITY  
3 FOR INVESTIGATING THE SERIOUS MISDEMEANOR SHALL GIVE TO THE  
4 VICTIM THE NAME AND BUSINESS ADDRESS OF THE LOCAL PROSECUTING  
5 ATTORNEY FOR THE POLITICAL SUBDIVISION RESPONSIBLE FOR PROSECUT-  
6 ING THE CASE ALONG WITH THE FOLLOWING STATEMENT:

7 "THE DEFENDANT IN YOUR CASE WILL BE PROSECUTED UNDER A LOCAL  
8 ORDINANCE, RATHER THAN A STATE STATUTE. NONETHELESS, YOU HAVE  
9 ALL THE RIGHTS AND PRIVILEGES AFFORDED TO VICTIMS UNDER THE STATE  
10 CONSTITUTION AND THE STATE CRIME VICTIM'S RIGHTS ACT."

11 Sec. 65. (1) Not later than 72 hours after the arrest of  
12 the defendant for a serious misdemeanor, the law enforcement  
13 agency having responsibility for investigating the serious misde-  
14 meanor shall give to the victim notice of the availability of  
15 pretrial release for the defendant, the phone number of the sher-  
16 iff, and notice that the victim may contact the sheriff to deter-  
17 mine whether the defendant has been released from custody. THE  
18 LAW ENFORCEMENT AGENCY HAVING RESPONSIBILITY FOR INVESTIGATING  
19 THE CRIME SHALL PROMPTLY NOTIFY THE VICTIM OF THE ARREST OR PRE-  
20 TRIAL RELEASE OF THE DEFENDANT, OR BOTH, IF THE VICTIM REQUESTS  
21 OR HAS REQUESTED THAT INFORMATION. IF THE DEFENDANT IS RELEASED  
22 FROM CUSTODY BY THE SHERIFF, THE SHERIFF SHALL NOTIFY THE LAW  
23 ENFORCEMENT AGENCY HAVING RESPONSIBILITY FOR INVESTIGATING THE  
24 CRIME.

25 (2) If the victim submits an affidavit asserting acts or  
26 threats of physical violence or intimidation by the defendant or  
27 at the defendant's direction against the victim or the victim's

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1 immediate family, the prosecuting attorney, based on the victim's  
2 affidavit, may move that the bond or personal recognizance of a  
3 defendant be revoked.

4       Sec. 66. (1) If a plea of guilty or nolo contendere is  
5 accepted by the court at the time of the arraignment of the  
6 defendant for a serious misdemeanor, the court shall notify the  
7 prosecuting attorney of the plea and the date of sentencing  
8 within 48 hours after the arraignment. If no guilty or nolo con-  
9 tendere plea is accepted at the arraignment and further proceed-  
10 ings will be scheduled, the court shall so notify the prosecuting  
11 attorney within 48 hours after the arraignment. A notice to the  
12 prosecuting attorney under this subsection shall be on a separate  
13 form and shall include the name, address, and telephone number of  
14 the victim. The notice shall not be a matter of public record.  
15 Within 48 hours after receiving this notice, the prosecuting  
16 attorney shall give to each victim a written notice in plain  
17 English of each of the following:

18       (a) A brief statement of the procedural steps in the pro-  
19 cessing of a misdemeanor case, including pretrial conferences.

20       (b) A specific list of the rights and procedures under this  
21 article.

22       (c) A CONVENIENT MEANS FOR THE VICTIM TO NOTIFY THE PROSE-  
23 CUTING ATTORNEY THAT THE VICTIM CHOOSES TO EXERCISE HIS OR HER  
24 RIGHTS UNDER THIS ARTICLE.

25       (d) ~~(e)~~ Details and eligibility requirements FOR COMPENSA-  
26 TION FROM THE CRIME VICTIMS SERVICES COMMISSION under ~~Act~~  
27 ~~No. 223 of the Public Acts of 1976, being sections 18.351 to~~

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1 ~~18.368 of the Michigan Compiled Laws~~ 1976 PA 223, MCL 18.351 TO  
2 18.368.

3 (E) ~~(d)~~ Suggested procedures if the victim is subjected to  
4 threats or intimidation.

5 (F) ~~(e)~~ The person to contact for further information.

6 (2) If requested by the victim, the prosecuting attorney  
7 shall give to the victim notice of any scheduled court proceed-  
8 ings and notice of any changes in that schedule.

9 (3) If the defendant has not already entered a plea of  
10 guilty or nolo contendere at the arraignment, the prosecuting  
11 attorney shall offer the victim the opportunity to consult with  
12 the prosecuting attorney to obtain the views of the victim about  
13 the disposition of the serious misdemeanor, including the  
14 victim's views about dismissal, plea or sentence negotiations,  
15 and pretrial diversion programs before finalizing any negotiation  
16 that may result in a dismissal, plea or sentence bargain, or pre-  
17 trial diversion.

18 (4) If the case against the defendant is dismissed at any  
19 time, the prosecuting attorney shall notify the victim of the  
20 dismissal within 48 hours.

21 (5) A victim who receives a notice under subsection (1) or  
22 (2) and who chooses to receive any ~~other~~ notice or ~~notices~~  
23 EXERCISE ANY RIGHT under this article shall keep the following  
24 persons informed of the victim's current address and telephone  
25 number:

26 (a) The prosecuting attorney, until final disposition or  
27 completion of the appellate process, whichever occurs later.

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1 (b) The sheriff, if the defendant is imprisoned for more  
2 than 92 days.

3 Sec. 68. (1) Based upon the victim's reasonable apprehen-  
4 sion of acts or threats of physical violence or intimidation by  
5 the defendant or at defendant's direction against the victim or  
6 the victim's immediate family, the prosecuting attorney may move  
7 that the victim or any other witness not be compelled to testify  
8 at pretrial proceedings or at trial for purposes of identifying  
9 the victim as to the victim's address, place of employment, or  
10 other personal identification without the victim's consent. A  
11 hearing on the motion shall be in camera.

12 (2) PURSUANT TO SECTION 24 OF ARTICLE I OF THE STATE CONSTI-  
13 TUTION OF 1963, GUARANTEEING TO CRIME VICTIMS THE RIGHT TO BE  
14 TREATED WITH RESPECT FOR THEIR DIGNITY AND PRIVACY, ALL OF THE  
15 FOLLOWING INFORMATION AND VISUAL REPRESENTATIONS OF A VICTIM ARE  
16 EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976  
17 PA 442, MCL 15.231 TO 15.246:

18 (A) THE HOME ADDRESS, HOME TELEPHONE NUMBER, WORK ADDRESS,  
19 AND WORK TELEPHONE NUMBER OF THE VICTIM.

20 (B) A PICTURE, PHOTOGRAPH, DRAWING, OR OTHER VISUAL REPRE-  
21 SENTATION, INCLUDING ANY FILM, VIDEOTAPE, OR DIGITALLY STORED  
22 IMAGE OF THE VICTIM.

[(3) SUBSECTION (2) SHALL NOT PRECLUDE THE RELEASE OF  
INFORMATION TO A VICTIM ADVOCACY ORGANIZATION OR AGENCY FOR THE  
PURPOSE OF PROVIDING VICTIM SERVICES.]

23 Sec. 71. The victim has the right to be present throughout  
24 the entire trial of the defendant, unless the victim is going to  
25 be called as a witness. If the victim is going to be called as a  
26 witness, the court may, for good cause shown, order the victim to



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1 be sequestered until the victim first testifies. THE VICTIM  
2 SHALL NOT BE SEQUESTERED AFTER HE OR SHE FIRST TESTIFIES.

3       Sec. 74. If a presentence investigation report concerning  
4 the defendant is prepared, the victim has the right to submit or  
5 make a written or oral impact statement to the probation officer  
6 for use by that officer in preparing the report pursuant to sec-  
7 tion 14 of chapter XI of the code of criminal procedure, ~~Act~~  
8 ~~No. 175 of the Public Acts of 1927, being section 771.14 of the~~  
9 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 771.14. A victim's  
10 written statement shall, upon the victim's request, be included  
11 in the presentence investigation report.

12       Sec. 75. If no presentence report is prepared, the court  
13 shall notify the prosecuting attorney of the date and time of  
14 sentencing at least 10 days prior to the sentencing. The victim  
15 ~~shall have~~ HAS the right to submit a written impact statement  
16 and ~~shall have~~ HAS the right to appear and make an oral impact  
17 statement at the sentencing of the defendant. IF THE VICTIM IS  
18 PHYSICALLY OR EMOTIONALLY UNABLE TO MAKE THE ORAL IMPACT STATE-  
19 MENT, THE VICTIM MAY DESIGNATE ANY OTHER PERSON 18 YEARS OF AGE  
20 OR OLDER WHO IS NEITHER THE DEFENDANT NOR INCARCERATED TO MAKE  
21 THE STATEMENT ON HIS OR HER BEHALF. THE OTHER PERSON NEED NOT BE  
22 AN ATTORNEY. The court shall consider the victim's statement in  
23 imposing sentence on the defendant.

24       Sec. 76. (1) For purposes of this section only:

25       (a) "Misdemeanor" means a violation of a law of this state  
26 or a local ordinance that is punishable by imprisonment for not

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1 more than 1 year or a fine that is not a civil fine, but that is  
2 not a felony.

3 (b) "Victim" means an individual who suffers direct or  
4 threatened physical, financial, or emotional harm as a result of  
5 the commission of a misdemeanor. For purposes of subsections  
6 (2), (3), (6), (8), (9), and (13), victim includes a sole propri-  
7 etorship, partnership, corporation, association, governmental  
8 entity, or any other legal entity that suffers direct physical or  
9 financial harm as a result of a misdemeanor.

10 (2) Except as provided in subsection (8), when sentencing a  
11 defendant convicted of a misdemeanor, the court shall order, in  
12 addition to or in lieu of any other penalty authorized by law or  
13 in addition to any other penalty required by law, that the  
14 defendant make full restitution to any victim of the defendant's  
15 course of conduct that gives rise to the conviction or to the  
16 victim's estate.

17 (3) If a misdemeanor results in damage to or loss or  
18 destruction of property of a victim of the misdemeanor or results  
19 in the seizure or impoundment of property of a victim of the mis-  
20 demeanor, the order of restitution may require that the defendant  
21 do 1 or more of the following, as applicable:

22 (a) Return the property to the owner of the property or to a  
23 person designated by the owner.

24 (b) If return of the property under subdivision (a) is  
25 impossible, impractical, or inadequate, pay an amount equal to  
26 the greater of subparagraph (i) or (ii), less the value,

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1 determined as of the date the property is returned, of that  
2 property or any part of the property that is returned:

3 (i) The value of the property on the date of the damage,  
4 loss, or destruction.

5 (ii) The value of the property on the date of sentencing.

6 (c) Pay the costs of the seizure or impoundment, or both.

7 (4) If a misdemeanor results in physical or psychological  
8 injury to a victim, the order of restitution may require that the  
9 defendant do 1 or more of the following, as applicable:

10 (a) Pay an amount equal to the REASONABLY DETERMINED cost of  
11 ~~actual~~ medical and related professional services and devices  
12 ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED relating  
13 to physical and psychological care.

14 (b) Pay an amount equal to the REASONABLY DETERMINED cost of  
15 ~~actual~~ physical and occupational therapy and rehabilitation  
16 ACTUALLY INCURRED AND REASONABLY EXPECTED TO BE INCURRED.

17 (c) Reimburse the victim or the victim's estate for  
18 after-tax income loss suffered by the victim as a result of the  
19 misdemeanor.

20 (d) Pay an amount equal to the REASONABLY DETERMINED cost of  
21 psychological and medical treatment for members of the victim's  
22 family ~~that has been~~ ACTUALLY incurred AND REASONABLY EXPECTED  
23 TO BE INCURRED as a result of the misdemeanor.

24 (e) Pay an amount equal to the REASONABLY DETERMINED costs  
25 of ~~actual~~ homemaking and child care expenses ACTUALLY incurred  
26 AND REASONABLY EXPECTED TO BE INCURRED as a result of the  
27 misdemeanor OR, IF HOMEMAKING OR CHILD CARE IS PROVIDED WITHOUT

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1 COMPENSATION BY A RELATIVE, FRIEND, OR ANY OTHER PERSON, AN  
2 AMOUNT EQUAL TO THE COSTS THAT WOULD REASONABLY BE INCURRED AS A  
3 RESULT OF THE MISDEMEANOR FOR THAT HOMEMAKING AND CHILD CARE,  
4 BASED ON THE RATES IN THE AREA FOR COMPARABLE SERVICES.

5       (F) ~~(5) If a misdemeanor resulting in bodily injury also~~  
6 ~~results in the death of a victim, the order of restitution may~~  
7 ~~require that the defendant pay~~ PAY an amount equal to the cost  
8 of actual funeral and related services.

9       (G) IF THE DECEASED VICTIM COULD BE CLAIMED AS A DEPENDENT  
10 BY HIS OR HER PARENT OR GUARDIAN ON THE PARENT'S OR GUARDIAN'S  
11 FEDERAL, STATE, OR LOCAL INCOME TAX RETURNS, PAY AN AMOUNT EQUAL  
12 TO THE LOSS OF THE TAX DEDUCTION OR TAX CREDIT. THE AMOUNT OF  
13 REIMBURSEMENT SHALL BE ESTIMATED FOR EACH YEAR THE VICTIM COULD  
14 REASONABLY BE CLAIMED AS A DEPENDENT.

15       (5) IF A CRIME RESULTING IN BODILY INJURY ALSO RESULTS IN  
16 THE DEATH OF A VICTIM OR SERIOUS IMPAIRMENT OF A BODY FUNCTION OF  
17 A VICTIM, THE COURT MAY ORDER UP TO 3 TIMES THE AMOUNT OF RESTI-  
18 TUTION OTHERWISE ALLOWED UNDER THIS SECTION. AS USED IN THIS  
19 SUBSECTION, "SERIOUS IMPAIRMENT OF A BODY FUNCTION OF A VICTIM"  
20 INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

- 21       (A) LOSS OF A LIMB OR USE OF A LIMB.  
22       (B) LOSS OF A HAND OR FOOT OR USE OF A HAND OR FOOT.  
23       (C) LOSS OF AN EYE OR USE OF AN EYE OR EAR.  
24       (D) LOSS OR SUBSTANTIAL IMPAIRMENT OF A BODILY FUNCTION.  
25       (E) SERIOUS VISIBLE DISFIGUREMENT.  
26       (F) A COMATOSE STATE THAT LASTS FOR MORE THAN 3 DAYS.

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1 (G) MEASURABLE BRAIN DAMAGE OR MENTAL IMPAIRMENT.

2 (H) A SKULL FRACTURE OR OTHER SERIOUS BONE FRACTURE.

3 (I) SUBDURAL HEMORRHAGE OR SUBDURAL HEMATOMA.

4 (J) LOSS OF A BODY ORGAN.

5 (6) If the victim or victim's estate consents, the order of  
6 restitution may require that the defendant make restitution in  
7 services in lieu of money.

8 (7) If the victim is deceased, the court shall order that  
9 the restitution be made to the victim's estate.

10 (8) The court shall order restitution to the crime victim  
11 services commission or to any individuals, partnerships, corpora-  
12 tions, associations, governmental entities, or other legal enti-  
13 ties that have compensated the victim or the victim's estate for  
14 a loss incurred by the victim to the extent of the compensation  
15 paid for that loss. The court shall also order restitution for  
16 the costs of services provided to persons or entities that have  
17 provided services to the victim as a result of the misdemeanor.  
18 Services that are subject to restitution under this subsection  
19 include, but are not limited to, shelter, food, clothing, and  
20 transportation. However, an order of restitution shall require  
21 that all restitution to a victim or victim's estate under the  
22 order be made before any restitution to any other person or  
23 entity under that order is made. The court shall not order res-  
24 titution to be paid to a victim or victim's estate if the victim  
25 or victim's estate has received or is to receive compensation for  
26 that loss, and the court shall state on the record with  
27 specificity the reasons for its action. ~~If an entity entitled~~

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~~1 to restitution under this subsection for compensating the victim  
2 or the victim's estate cannot or refuses to be reimbursed for  
3 that compensation, the restitution paid for that entity shall be  
4 deposited by the state treasurer in the crime victim's rights  
5 fund created under section 4 of 1989 PA 196, MCL 780.904, or its  
6 successor fund.~~

7       (9) Any amount paid to a victim or victim's estate under an  
8 order of restitution shall be set off against any amount later  
9 recovered as compensatory damages by the victim or the victim's  
10 estate in any federal or state civil proceeding and shall reduce  
11 the amount payable to a victim or a victim's estate by an award  
12 from the crime victim services commission made after an order of  
13 restitution under this section.

14       (10) If not otherwise provided by the court under this sub-  
15 section, restitution shall be made immediately. However, the  
16 court may require that the defendant make restitution under this  
17 section within a specified period or in specified installments.

18       (11) If the defendant is placed on probation or the court  
19 imposes a conditional sentence as provided in section 3 of chap-  
20 ter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3,  
21 any restitution ordered under this section shall be a condition  
22 of that probation or sentence. The court may revoke probation or  
23 impose imprisonment under the conditional sentence if the  
24 defendant fails to comply with the order and if the defendant has  
25 not made a good faith effort to comply with the order. In deter-  
26 mining whether to revoke probation or impose imprisonment, the  
27 court ability, and financial resources, the willfulness of the

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1 defendant's failure to pay, and any other special circumstances  
2 that may have a bearing on the defendant's ability to pay.

3 (12) A defendant who is required to pay restitution and who  
4 is not in willful default of the payment of the restitution may  
5 at any time petition the sentencing judge or his or her successor  
6 to modify the method of payment. If the court determines that  
7 payment under the order will impose a manifest hardship on the  
8 defendant or his or her immediate family, AND IF THE COURT ALSO  
9 DETERMINES THAT MODIFYING THE METHOD OF PAYMENT WILL NOT IMPOSE A  
10 MANIFEST HARDSHIP ON THE VICTIM, the court may modify the method  
11 of payment.

12 (13) An order of restitution entered under this section  
13 remains effective until it is satisfied in full. An order of  
14 restitution is a judgment and lien against all property of the  
15 defendant for the amount specified in the order of restitution.  
16 The lien may be recorded as provided by law. An order of resti-  
17 tution may be enforced [ ] by the prose-  
18 cuting attorney, a victim, a victim's estate, or any other person  
19 or entity named in the order to receive restitution in the same  
20 manner as a judgment in a civil action or a lien.

21 (14) Notwithstanding any other provision of this section, a  
22 defendant shall not be imprisoned, jailed, or incarcerated for a  
23 violation of probation or otherwise for failure to pay restitu-  
24 tion as ordered under this section unless the court determines  
25 that the defendant has the resources to pay the ordered restitu-  
26 tion and has not made a good faith effort to do so.

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1           (15) In each case in which payment of restitution is ordered  
2 as a condition of probation, the COURT MAY ORDER ANY EMPLOYED  
3 DEFENDANT TO EXECUTE A WAGE ASSIGNMENT TO PAY THE RESTITUTION.  
4 THE probation officer assigned to the case shall review the case  
5 not less than twice yearly to ensure that restitution is being  
6 paid as ordered. IF THE RESTITUTION WAS ORDERED TO BE MADE  
7 WITHIN A SPECIFIC PERIOD OF TIME, THE PROBATION OFFICER ASSIGNED  
8 TO THE CASE SHALL REVIEW THE CASE AT THE END OF THE SPECIFIC  
9 PERIOD OF TIME TO DETERMINE IF THE RESTITUTION HAS BEEN PAID IN  
10 FULL. The final review shall be conducted not less than 60 days  
11 before the probationary period expires. If the probation officer  
12 determines AT ANY REVIEW that restitution is not being paid as  
13 ordered, the probation officer shall file a written report of the  
14 violation with the court on a form prescribed by the state court  
15 administrative office OR SHALL PETITION THE COURT FOR A PROBATION  
16 VIOLATION. The report OR PETITION shall include a statement of  
17 the amount of the arrearage and any reasons for the arrearage  
18 known by the probation officer. The probation officer shall  
19 immediately provide a copy of the report OR PETITION to the pros-  
20 ecuting attorney. If a PETITION OR motion is filed or other pro-  
21 ceedings are initiated to enforce payment of restitution and the  
22 court determines that restitution is not being paid or has not  
23 been paid as ordered by the court, the court shall promptly take  
24 action necessary to compel compliance.

25           (16) If the court determines that a defendant who is ordered  
26 to pay restitution under this section is remanded to the  
27 jurisdiction of the department of corrections, the court shall



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1 provide a copy of the order of restitution to the department of  
2 corrections when the court determines that the defendant is  
3 remanded to the department's jurisdiction.

4 (17) THE COURT SHALL NOT IMPOSE A FEE ON A VICTIM, VICTIM'S  
5 ESTATE, OR PROSECUTING ATTORNEY FOR ENFORCING AN ORDER OF  
6 RESTITUTION.

7 (18) IF A PERSON OR ENTITY ENTITLED TO RESTITUTION CANNOT BE  
8 LOCATED OR REFUSES TO CLAIM THAT RESTITUTION WITHIN 2 YEARS AFTER  
9 THE DATE ON WHICH HE OR SHE COULD HAVE CLAIMED THE RESTITUTION,  
10 THE RESTITUTION PAID TO THAT PERSON OR ENTITY SHALL BE DEPOSITED  
11 IN THE CRIME VICTIM'S RIGHTS FUND CREATED UNDER SECTION 4 OF 1989  
12 PA 196, MCL 780.904, OR ITS SUCCESSOR FUND. HOWEVER, A PERSON OR  
13 ENTITY ENTITLED TO THAT RESTITUTION MAY CLAIM THAT RESTITUTION  
14 ANY TIME BY APPLYING TO THE COURT THAT ORIGINALLY ORDERED AND  
15 COLLECTED IT. THE COURT SHALL NOTIFY THE CRIME VICTIM SERVICES  
16 COMMISSION OF THE APPLICATION AND THE COMMISSION SHALL APPROVE A  
17 REDUCTION IN THE COURT'S REVENUE TRANSMITTAL TO THE CRIME VICTIM  
18 RIGHTS FUND EQUAL TO THE RESTITUTION OWED TO THE PERSON OR  
19 ENTITY. THE COURT SHALL USE THE REDUCTION TO REIMBURSE THAT RES-  
20 TITUTION TO THE PERSON OR ENTITY.

21 SEC. 76A. (1) IF A PERSON IS SUBJECT TO ANY COMBINATION OF  
22 FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE  
23 SUPERVISION FEES, OR OTHER PAYMENTS ARISING OUT OF THE SAME CRIM-  
24 INAL PROCEEDING, MONEY COLLECTED FROM THAT PERSON FOR THE PAYMENT  
25 OF FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE  
26 SUPERVISION FEES, OR OTHER PAYMENTS SHALL BE ALLOCATED AS  
27 PROVIDED IN THIS SECTION.

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1           (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF A  
2 PERSON IS SUBJECT TO PAYMENT OF VICTIM PAYMENTS AND ANY COMBINA-  
3 TION OF OTHER FINES, COSTS, ASSESSMENTS, PROBATION OR PAROLE  
4 SUPERVISION FEES, OR OTHER PAYMENTS, 50% OF EACH PAYMENT COL-  
5 LECTED BY THE COURT FROM THAT PERSON SHALL BE APPLIED TO PAYMENT  
6 OF VICTIM PAYMENTS, AND THE BALANCE SHALL BE APPLIED TO PAYMENT  
7 OF FINES, COSTS, SUPERVISION FEES, AND OTHER ASSESSMENTS OR  
8 PAYMENTS. IF ANY FINES, COSTS, SUPERVISION FEES, OR OTHER  
9 ASSESSMENTS OR PAYMENTS REMAIN UNPAID AFTER ALL OF THE VICTIM  
10 PAYMENTS HAVE BEEN PAID, ANY ADDITIONAL MONEY COLLECTED SHALL BE  
11 APPLIED TO PAYMENT OF THOSE FINES, COSTS, SUPERVISION FEES, OR  
12 OTHER ASSESSMENTS OR PAYMENTS. IF ANY VICTIM PAYMENTS REMAIN  
13 UNPAID AFTER ALL OF THE FINES, COSTS, SUPERVISION FEES, OR OTHER  
14 ASSESSMENTS OR PAYMENTS HAVE BEEN PAID, ANY ADDITIONAL MONEY COL-  
15 LECTED SHALL BE APPLIED TOWARD PAYMENT OF THOSE VICTIM PAYMENTS.

16           (3) IN CASES INVOLVING PROSECUTIONS FOR VIOLATIONS OF STATE  
17 LAW, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF FINES,  
18 COSTS, PROBATION AND PAROLE SUPERVISION FEES, AND ASSESSMENTS OR  
19 PAYMENTS OTHER THAN VICTIM PAYMENTS SHALL BE APPLIED IN THE FOL-  
20 LOWING ORDER OF PRIORITY:

21           (A) PAYMENT OF COSTS.

22           (B) PAYMENT OF FINES.

23           (C) PAYMENT OF PROBATION OR PAROLE SUPERVISION FEES.

24           (D) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS, INCLUDING  
25 REIMBURSEMENT TO THIRD PARTIES WHO REIMBURSED A VICTIM FOR HIS OR  
26 HER LOSS.

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1 (4) IN CASES INVOLVING PROSECUTIONS FOR VIOLATIONS OF LOCAL  
2 ORDINANCES, MONEY ALLOCATED UNDER SUBSECTION (2) FOR PAYMENT OF  
3 FINES, COSTS, AND ASSESSMENTS OR PAYMENTS OTHER THAN VICTIM PAY-  
4 MENTS SHALL BE APPLIED IN THE FOLLOWING ORDER OF PRIORITY:

5 (A) PAYMENT OF FINES AND COSTS.

6 (B) PAYMENT OF ASSESSMENTS AND OTHER PAYMENTS.

7 (5) AS USED IN THIS SECTION, "VICTIM PAYMENT" MEANS RESTITU-  
8 TION ORDERED TO BE PAID TO THE VICTIM, TO THE VICTIM'S ESTATE,  
9 BUT NOT TO A PERSON WHO REIMBURSED THE VICTIM FOR HIS OR HER  
10 LOSS; OR AN ASSESSMENT ORDERED UNDER SECTION 5 OF 1989 PA 196,  
11 MCL 780.905.

12 Sec. 78. (1) Upon the request of the victim, the prosecut-  
13 ing attorney shall notify the victim of the following:

14 (a) That the defendant ~~has~~ filed an appeal of his or her  
15 conviction OR SENTENCE OR THAT THE PROSECUTING ATTORNEY FILED AN  
16 APPEAL.

17 (b) Whether the defendant has been ordered released on bail  
18 or other recognizance pending the disposition of the appeal. If  
19 the prosecuting attorney is notified that the defendant has been  
20 ordered released on bail or other recognizance pending disposi-  
21 tion of the appeal, the prosecuting attorney shall use any means  
22 reasonably calculated to give the victim notice of that order  
23 within 24 hours after the prosecuting attorney is notified of the  
24 order.

25 (c) The time and place of any appellate court proceedings  
26 and any changes in the time or place of those proceedings.

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1           (d) The result of the appeal. If ~~the prosecuting attorney~~  
2 ~~is notified that~~ the conviction is ordered reversed, ~~or~~ THE  
3 SENTENCE IS VACATED, the case is remanded for ~~further~~  
4 ~~proceedings~~ A NEW TRIAL, OR THE PROSECUTING ATTORNEY'S APPEAL IS  
5 DENIED, ~~the~~ AND IF THE PROSECUTING ATTORNEY HAS FILED THE  
6 APPROPRIATE NOTICE WITH THE APPELLATE COURT, THE APPELLATE COURT  
7 SHALL EXPEDITE DELIVERY OF THE RELEVANT DOCUMENT TO THE PROSECUT-  
8 ING ATTORNEY'S OFFICE BY ANY MEANS REASONABLY CALCULATED TO GIVE  
9 THE PROSECUTING ATTORNEY PROMPT NOTICE. THE prosecuting attorney  
10 shall use any means reasonably calculated to give the victim  
11 notice of that order within 24 hours after the prosecuting attor-  
12 ney is notified of the order.

13           (2) If the prosecuting attorney is not successful in notify-  
14 ing the victim of an event described in subsection (1) within the  
15 period set forth in that subsection, ~~for notification,~~ the  
16 prosecuting attorney shall notify the victim of that event as  
17 soon as possible by any means reasonably calculated to give the  
18 victim prompt actual notice.

19           (3) Upon the request of the victim, the prosecuting attorney  
20 shall provide the victim with a brief explanation in plain  
21 English of the appeal process, including the possible  
22 dispositions.

23           (4) If ~~the defendant's conviction is reversed and~~ the case  
24 is returned to the trial court for further proceedings OR A NEW  
25 TRIAL, the victim ~~shall have~~ HAS the same rights AS previously  
26 requested during the proceedings ~~which~~ THAT led to the appeal.

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1       Sec. 78a. (1) Upon the written request of a victim of a  
2 serious misdemeanor, the sheriff 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 for commis-  
5 sion of that serious misdemeanor:

6       (a) Within 30 days after the request, notice of the  
7 sheriff's calculation of the earliest release date of the prison-  
8 er, with all potential good time or disciplinary credits consid-  
9 ered if the sentence of imprisonment exceeds 90 days. The victim  
10 may request 1-time only notice of the calculation described in  
11 this subdivision.

12       ~~(b) Notice of the escape of the person accused, convicted,~~  
13 ~~or imprisoned for committing a serious misdemeanor against the~~  
14 ~~victim, as provided in section 78b.~~

15       (B) ~~(c)~~ Notice that a prisoner has had his or her name  
16 legally changed while imprisoned in the county jail or within 2  
17 years of release from the county jail.

18       (C) NOTICE THAT THE PRISONER HAS BEEN PLACED ON DAY PAROLE  
19 OR WORK RELEASE.

20       (2) When a defendant is sentenced to a term of imprisonment,  
21 the prosecuting attorney shall provide the victim with a form the  
22 victim may submit to receive the notices provided for under this  
23 section or section 78b. The form shall include the address of  
24 the sheriff's department to which the form may be sent.

25       Enacting section 1. This amendatory act takes effect June  
26 1, 2001.