

# HOUSE BILL No. 5817

September 7, 2016, Introduced by Reps. Hughes and Iden and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 2, 2a, 31, 31a, 33a, 61, 61a, and 61b (MCL 780.752, 780.752a, 780.781, 780.781a, 780.783a, 780.811, 780.811a, and 780.811b), section 2 as amended by 2014 PA 133, sections 2a, 31a, and 61b as added by 2006 PA 461, section 31 as amended by 2014 PA 134, section 33a as added by 1993 PA 341, section 61 as amended by 2014 PA 130, and section 61a as amended by 2005 PA 184.

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

1           Sec. 2. (1) Except as otherwise defined in this article, as  
2 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, MCL  
5 45.622.

6           **(B) "COURSE OF CONDUCT" MEANS ALL OF THE FOLLOWING:**

1           **(i) EACH CRIME FOR WHICH THE INDIVIDUAL IS CONVICTED.**

2           **(ii) EACH CRIMINAL CHARGE AGAINST THE DEFENDANT THAT IS**  
3 **DISMISSED AS PART OF A PLEA AGREEMENT.**

4           **(iii) EACH CRIME FOR WHICH THE DEFENDANT COULD HAVE BEEN**  
5 **CHARGED BY THE PROSECUTING ATTORNEY BUT WAS NOT CHARGED.**

6           **(C) ~~(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  
9 designated by law as a felony.

10           **(D) ~~(e)~~**-"Crime victim services commission" means that term as  
11 described in section 2 of 1976 PA 223, MCL 18.352.

12           **(E) ~~(d)~~**-"Defendant" means a person charged with, convicted of,  
13 or found not guilty by reason of insanity of committing a crime  
14 against a victim.

15           **(F) ~~(e)~~**-"Facility", as used in sections 6, 13a, 19a, and 20  
16 only, and not with reference to a juvenile facility, means that  
17 term as defined in section 100b of the mental health code, 1974 PA  
18 258, MCL 330.1100b.

19           **(G) ~~(f)~~**-"Final disposition" means the ultimate termination of  
20 the criminal prosecution of a defendant including, but not limited  
21 to, dismissal, acquittal, or imposition of sentence by the court.

22           **(H) ~~(g)~~**-"Juvenile" means a person within the jurisdiction of  
23 the circuit court under section 606 of the revised judicature act  
24 of 1961, 1961 PA 236, MCL 600.606.

25           **(I) ~~(h)~~**-"Juvenile facility" means a county facility,  
26 institution operated as an agency of the county or the family  
27 division of circuit court, or an institution or agency described in

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

4 (J) ~~(i)~~—"Hospital" means that term as defined in section 100b  
5 of the mental health code, 1974 PA 258, MCL 330.1100b.

6 (K) ~~(j)~~—"Person" means an individual, organization,  
7 partnership, corporation, or governmental entity.

8 (L) ~~(k)~~—"Prisoner" means a person who has been convicted and  
9 sentenced to imprisonment or placement in a juvenile facility for  
10 having committed a crime or an act that would be a crime if  
11 committed by an adult against a victim.

12 (M) ~~(l)~~—"Prosecuting attorney" means the prosecuting attorney  
13 for a county, an assistant prosecuting attorney for a county, the  
14 attorney general, the deputy attorney general, an assistant  
15 attorney general, or a special prosecuting attorney.

16 (N) ~~(m)~~—"Victim" means any of the following:

17 (i) An individual who suffers direct or threatened physical,  
18 financial, or emotional harm as a result of the ~~commission of a~~  
19 ~~crime,~~ **DEFENDANT'S COURSE OF CONDUCT**, except as provided in  
20 subparagraph (ii), (iii), or (iv).

21 (ii) The following individuals other than the defendant if the  
22 victim is deceased:

23 (A) The spouse of the deceased victim.

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

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

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

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

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

8 **(G) AN AUNT OR UNCLE OF THE DECEASED VICTIM IF SUB-**  
9 **SUBPARAGRAPHS (A) TO (F) DO NOT APPLY.**

10 (iii) A parent, guardian, or custodian of a victim who is less  
11 than 18 years of age and who is neither the defendant nor  
12 incarcerated, if the parent, guardian, or custodian so chooses. For  
13 the purpose of making an impact statement only, a parent, guardian,  
14 or custodian of a victim who is less than 18 years of age at the  
15 time of the commission of the crime and who is neither the  
16 defendant nor incarcerated, if the parent, guardian, or custodian  
17 so chooses. **WHEN THE VICTIM REACHES 18 YEARS OF AGE, HE OR SHE MAY**  
18 **CHOOSE TO EXERCISE ON HIS OR HER OWN ALL APPLICABLE VICTIM**  
19 **PRIVILEGES AND RIGHTS. THE VICTIM IS RESPONSIBLE FOR NOTIFYING THE**  
20 **APPROPRIATE AUTHORITY THAT HE OR SHE IS NOW EXERCISING THOSE**  
21 **PRIVILEGES AND RIGHTS.**

22 (iv) A parent, guardian, or custodian of a victim who is  
23 mentally or emotionally unable to participate in the legal process  
24 if he or she is neither the defendant nor incarcerated.

25 (2) If a victim as defined in subsection ~~(1) (m) (i)~~ **(1) (N) (i)**  
26 is physically or emotionally unable to exercise the privileges and  
27 rights under this article, the victim may designate his or her

1 spouse, child 18 years of age or older, parent, sibling,  
2 grandparent, or any other person 18 years of age or older who is  
3 neither the defendant nor incarcerated to act in his or her place  
4 while the physical or emotional disability continues. The victim  
5 shall provide the prosecuting attorney with the name of the person  
6 who is to act in his or her place. During the physical or emotional  
7 disability, notices to be provided under this article to the victim  
8 shall continue to be sent only to the victim.

9           **(3) IF A VICTIM AS DEFINED IN SUBSECTION (1) (N) (ii) DIES OR IS**  
10 **NO LONGER ABLE TO EXERCISE THE PRIVILEGES AND RIGHTS UNDER THIS**  
11 **ARTICLE, THE PRIVILEGES AND RIGHTS TRANSFER TO THE NEXT ELIGIBLE**  
12 **INDIVIDUAL LISTED IN THAT SUBPARAGRAPH. ANY PERSON TO WHOM THESE**  
13 **PRIVILEGES AND RIGHTS TRANSFER IS RESPONSIBLE FOR NOTIFYING THE**  
14 **APPROPRIATE AUTHORITY THAT HE OR SHE IS NOW EXERCISING THOSE**  
15 **PRIVILEGES AND RIGHTS ON BEHALF OF A VICTIM WHO IS DECEASED OR IS**  
16 **NO LONGER ABLE TO EXERCISE HIS OR HER PRIVILEGES AND RIGHTS UNDER**  
17 **THIS ARTICLE.**

18           **(4) ~~(3)~~**—An individual who is charged with a crime arising out  
19 of the same transaction from which the charge against the defendant  
20 arose is not eligible to exercise the privileges and rights  
21 established for victims under this article.

22           **(5) ~~(4)~~**—An individual who is incarcerated is not eligible to  
23 exercise the privileges and rights established for victims under  
24 this article except that he or she may submit a written statement  
25 to the court for consideration at sentencing.

26           Sec. 2a. The duty under this chapter and under section 24 of  
27 article I of the state constitution of 1963 of a court, the

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

14 Sec. 31. (1) Except as otherwise defined in this article, as  
15 used in this article:

16 (a) "County juvenile agency" means that term as defined in  
17 section 2 of the county juvenile agency act, 1998 PA 518, MCL  
18 45.622.

19 **(B) "COURSE OF CONDUCT" MEANS ALL OF THE FOLLOWING:**

20 **(i) EACH OFFENSE FOR WHICH THE JUVENILE IS ADJUDICATED.**

21 **(ii) EACH OFFENSE CHARGED AGAINST THE JUVENILE THAT IS**

22 **DISMISSED AS PART OF A PLEA AGREEMENT.**

23 **(iii) EACH OFFENSE FOR WHICH THE JUVENILE COULD HAVE BEEN**  
24 **CHARGED BY THE PROSECUTING ATTORNEY BUT WAS NOT CHARGED.**

25 **(C) ~~(b)~~"Court"** means the family division of circuit court.

26 **(D) ~~(e)~~"Crime victim services commission"** means that term as  
27 described in section 2 of 1976 PA 223, MCL 18.352.

1           **(E)** ~~(d)~~—"Designated case" means a case designated as a case in  
2 which the juvenile is to be tried in the same manner as an adult  
3 under section 2d of chapter XIIIA of the probate code of 1939, 1939  
4 PA 288, MCL 712A.2d.

5           **(F)** ~~(e)~~—"Juvenile" means an individual alleged or found to be  
6 within the court's jurisdiction under section 2(a)(1) of chapter  
7 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an  
8 offense, including, but not limited to, an individual in a  
9 designated case.

10           **(G)** ~~(f)~~—"Juvenile facility" means a county facility, an  
11 institution operated as an agency of the county or the court, or an  
12 institution or agency described in the youth rehabilitation  
13 services act, 1974 PA 150, MCL 803.301 to 803.309, to which a  
14 juvenile has been committed or in which a juvenile is detained.

15           **(H)** ~~(g)~~—"Offense" means 1 or more of the following:

16           (i) A violation of a penal law of this state for which a  
17 juvenile offender, if convicted as an adult, may be punished by  
18 imprisonment for more than 1 year or an offense expressly  
19 designated by law as a felony.

20           (ii) ~~A violation of section 81 (assault and battery, including~~  
21 ~~domestic violence), 81a (assault; infliction of serious injury,~~  
22 ~~including aggravated domestic violence), 115 (breaking and entering~~  
23 ~~or illegal entry), 136b(7) (child abuse in the fourth degree), 145~~  
24 ~~(contributing to the neglect or delinquency of a minor), 145d~~  
25 ~~(using the internet or a computer to make a prohibited~~  
26 ~~communication), 233 (intentionally aiming a firearm without~~  
27 ~~malice), 234 (discharge of a firearm intentionally aimed at a~~

1 ~~person), 235 (discharge of an intentionally aimed firearm resulting~~  
2 ~~in injury), 335a (indecent exposure), or 411h (stalking) of the~~  
3 ~~Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, 750.115,~~  
4 ~~750.136b, 750.145, 750.145d, 750.233, 750.234, 750.235, 750.335a,~~  
5 ~~and 750.411h.~~ **SERIOUS MISDEMEANOR AS DEFINED IN SECTION 61.**

6 (iii) A violation of section 601b(2) (injuring a worker in a  
7 work zone) or 617a (leaving the scene of a personal injury  
8 accident) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b  
9 and 257.617a, or a violation of section 625 (operating a vehicle  
10 while under the influence of or impaired by intoxicating liquor or  
11 a controlled substance, or with unlawful blood alcohol content) of  
12 that act, MCL 257.625, if the violation involves an accident  
13 resulting in damage to another individual's property or physical  
14 injury or death to another individual.

15 (iv) Selling or furnishing alcoholic liquor to an individual  
16 less than 21 years of age in violation of section 33 of the former  
17 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor control  
18 code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in  
19 physical injury or death to any individual.

20 (v) A violation of section 80176(1) or (3) (operating a vessel  
21 while under the influence of or impaired by intoxicating liquor or  
22 a controlled substance, or with unlawful blood alcohol content) of  
23 the natural resources and environmental protection act, 1994 PA  
24 451, MCL 324.80176, if the violation involves an accident resulting  
25 in damage to another individual's property or physical injury or  
26 death to any individual.

27 (vi) A violation of a local ordinance substantially

1 corresponding to a law enumerated in subparagraphs (i) to (v).

2 (vii) A violation described in subparagraphs (i) to (vi) that  
3 is subsequently reduced to a violation not included in  
4 subparagraphs (i) to (vi).

5 (I) ~~(h)~~ "Person" means an individual, organization,  
6 partnership, corporation, or governmental entity.

7 (J) ~~(i)~~ "Prosecuting attorney" means the prosecuting attorney  
8 for a county, an assistant prosecuting attorney for a county, the  
9 attorney general, the deputy attorney general, an assistant  
10 attorney general, a special prosecuting attorney, or, in connection  
11 with the prosecution of an ordinance violation, an attorney for the  
12 political subdivision that enacted the ordinance upon which the  
13 violation is based.

14 (K) ~~(j)~~ "Victim" means any of the following:

15 (i) ~~A person~~ **AN INDIVIDUAL** who suffers direct or threatened  
16 physical, financial, or emotional harm as a result of the  
17 ~~commission of an offense,~~ **JUVENILE'S COURSE OF CONDUCT**, except as  
18 provided in subparagraph (ii), (iii), or (iv).

19 (ii) The following individuals other than the juvenile if the  
20 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 of  
23 age or older and sub-subparagraph (A) does not apply.

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

26 (D) The guardian or custodian of a child of a deceased victim  
27 if the child is less than 18 years of age and sub-subparagraphs (A)

1 to (C) do not apply.

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

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

6 **(G) AN UNCLE OR AUNT OF THE DECEASED VICTIM IF SUB-**  
7 **SUBPARAGRAPHS (A) TO (F) DO NOT APPLY.**

8 (iii) A parent, guardian, or custodian of a victim who is less  
9 than 18 years of age and who is neither the ~~defendant~~**JUVENILE**  
10 **OFFENDER** nor incarcerated, if the parent, guardian, or custodian so  
11 chooses. For the purpose of making an impact statement only, a  
12 parent, guardian, or custodian of a victim who is less than 18  
13 years of age at the time of the commission of the ~~crime~~**OFFENSE** and  
14 who is neither the ~~defendant~~**JUVENILE OFFENDER** nor incarcerated, if  
15 the parent, guardian, or custodian so chooses. **WHEN THE VICTIM**  
16 **REACHES 18 YEARS OF AGE, HE OR SHE MAY CHOOSE TO EXERCISE ON HIS OR**  
17 **HER OWN ALL APPLICABLE VICTIM PRIVILEGES AND RIGHTS. THE VICTIM IS**  
18 **RESPONSIBLE FOR NOTIFYING THE APPROPRIATE AUTHORITY THAT HE OR SHE**  
19 **IS NOW EXERCISING THOSE PRIVILEGES AND RIGHTS.**

20 (iv) A parent, guardian, or custodian of a victim who is  
21 mentally or emotionally unable to participate in the legal process  
22 if he or she is neither the ~~defendant~~**JUVENILE OFFENDER** nor  
23 incarcerated.

24 (2) If a victim as defined in subsection ~~(1)(j)(i)~~**(1)(K)(i)**  
25 is physically or emotionally unable to exercise the privileges and  
26 rights under this article, the victim may designate his or her  
27 spouse, child 18 years of age or older, parent, sibling,

1 grandparent, or any other person 18 years of age or older who is  
2 neither the ~~defendant~~ **JUVENILE OFFENDER** nor incarcerated to act in  
3 his or her place while the physical or emotional disability  
4 continues. The victim shall provide the prosecuting attorney with  
5 the name of the person who is to act in his or her place. During  
6 the physical or emotional disability, notices to be provided under  
7 this article to the victim shall continue to be sent only to the  
8 victim.

9 (3) An individual who is charged with an offense arising out  
10 of the same transaction from which the charge against the ~~defendant~~  
11 **JUVENILE** arose is not eligible to exercise the privileges and  
12 rights established for victims under this article.

13 Sec. 31a. The duty under this chapter and under section 24 of  
14 article I of the state constitution of 1963 of a court, the  
15 department of corrections, the department of **HEALTH AND** human  
16 services, a county sheriff, or a prosecuting attorney to provide a  
17 notice to a victim also applies if the case against the ~~defendant~~  
18 **JUVENILE** is resolved by assignment of the ~~defendant~~ **JUVENILE** to  
19 trainee status, by a delayed sentence or deferred judgment of  
20 guilt, or in another way that is not an acquittal or unconditional  
21 dismissal. In performing a duty under this chapter or under section  
22 24 of article I of the state constitution of 1963, the court,  
23 department of corrections, department of **HEALTH AND** human services,  
24 county sheriff, or prosecuting attorney may furnish information or  
25 records to the victim that would otherwise be closed to public  
26 inspection, including information or records described in section  
27 14 of chapter II of the code of criminal procedure, 1927 PA 175,

1 MCL 762.14.

2       Sec. 33a. The investigating agency or prosecuting attorney  
3 that files a complaint or submits a petition seeking to invoke the  
4 court's jurisdiction for a juvenile offense described in section  
5 ~~31(1)(d)(iii), (iv), or (v), 31(1)(H)(iii), (iv), OR (v)~~, or a  
6 local ordinance substantially corresponding to a juvenile offense  
7 described in section ~~31(1)(d)(iii), (iv), or (v), 31(1)(H)(iii),~~  
8 ~~(iv), OR (v)~~, shall place a statement on the complaint or petition  
9 that the offense resulted in damage to another individual's  
10 property or physical injury or death to another individual.

11       Sec. 61. (1) Except as otherwise defined in this article, as  
12 used in this article:

13 ~~—— (a) "Serious misdemeanor" means 1 or more of the following:~~

14 ~~—— (i) A violation of section 81 of the Michigan penal code, 1931~~  
15 ~~PA 328, MCL 750.81, assault and battery, including domestic~~  
16 ~~violence.~~

17 ~~—— (ii) A violation of section 81a of the Michigan penal code,~~  
18 ~~1931 PA 328, MCL 750.81a, assault; infliction of serious injury,~~  
19 ~~including aggravated domestic violence.~~

20 ~~—— (iii) A violation of section 115 of the Michigan penal code,~~  
21 ~~1931 PA 328, MCL 750.115, breaking and entering or illegal entry.~~

22 ~~—— (iv) A violation of section 136b(7) of the Michigan penal~~  
23 ~~code, 1931 PA 328, MCL 750.136b, child abuse in the fourth degree.~~

24 ~~—— (v) A violation of section 145 of the Michigan penal code,~~  
25 ~~1931 PA 328, MCL 750.145, contributing to the neglect or~~  
26 ~~delinquency of a minor.~~

27 ~~—— (vi) A misdemeanor violation of section 145d of the Michigan~~

1 ~~penal code, 1931 PA 328, MCL 750.145d, using the internet or a~~  
2 ~~computer to make a prohibited communication.~~

3 ~~—— (vii) A violation of section 233 of the Michigan penal code,~~  
4 ~~1931 PA 328, MCL 750.233, intentionally aiming a firearm without~~  
5 ~~malice.~~

6 ~~—— (viii) A violation of section 234 of the Michigan penal code,~~  
7 ~~1931 PA 328, MCL 750.234, discharge of a firearm intentionally~~  
8 ~~aimed at a person.~~

9 ~~—— (ix) A violation of section 235 of the Michigan penal code,~~  
10 ~~1931 PA 328, MCL 750.235, discharge of an intentionally aimed~~  
11 ~~firearm resulting in injury.~~

12 ~~—— (x) A violation of section 335a of the Michigan penal code,~~  
13 ~~1931 PA 328, MCL 750.335a, indecent exposure.~~

14 ~~—— (xi) A violation of section 411h of the Michigan penal code,~~  
15 ~~1931 PA 328, MCL 750.411h, stalking.~~

16 ~~—— (xii) A violation of section 601b(2) of the Michigan vehicle~~  
17 ~~code, 1949 PA 300, MCL 257.601b, injuring a worker in a work zone.~~

18 ~~—— (xiii) A violation of section 617a of the Michigan vehicle~~  
19 ~~code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal~~  
20 ~~injury accident.~~

21 ~~—— (xiv) A violation of section 625 of the Michigan vehicle code,~~  
22 ~~1949 PA 300, MCL 257.625, operating a vehicle while under the~~  
23 ~~influence of or impaired by intoxicating liquor or a controlled~~  
24 ~~substance, or with an unlawful blood alcohol content, if the~~  
25 ~~violation involves an accident resulting in damage to another~~  
26 ~~individual's property or physical injury or death to another~~  
27 ~~individual.~~

1 ~~—— (xv) Selling or furnishing alcoholic liquor to an individual~~  
 2 ~~less than 21 years of age in violation of section 701 of the~~  
 3 ~~Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if~~  
 4 ~~the violation results in physical injury or death to any~~  
 5 ~~individual.~~

6 ~~—— (xvi) A violation of section 80176(1) or (3) of the natural~~  
 7 ~~resources and environmental protection act, 1994 PA 451, MCL~~  
 8 ~~324.80176, operating a vessel while under the influence of or~~  
 9 ~~impaired by intoxicating liquor or a controlled substance, or with~~  
 10 ~~an unlawful blood alcohol content, if the violation involves an~~  
 11 ~~accident resulting in damage to another individual's property or~~  
 12 ~~physical injury or death to any individual.~~

13 ~~—— (xvii) A violation of a local ordinance substantially~~  
 14 ~~corresponding to a violation enumerated in subparagraphs (i) to~~  
 15 ~~(xvi).~~

16 ~~—— (xviii) A violation charged as a crime or serious misdemeanor~~  
 17 ~~enumerated in subparagraphs (i) to (xvii) 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 **(A) "COURSE OF CONDUCT" MEANS ALL OF THE FOLLOWING:**

21 **(i) EACH CRIME FOR WHICH THE INDIVIDUAL IS CONVICTED.**

22 **(ii) EACH CRIMINAL CHARGE AGAINST THE DEFENDANT THAT IS**  
 23 **DISMISSED AS PART OF A PLEA AGREEMENT.**

24 **(iii) EACH CRIME FOR WHICH THE DEFENDANT COULD HAVE BEEN**  
 25 **CHARGED BY THE PROSECUTING ATTORNEY BUT WAS NOT CHARGED.**

26 (b) "Crime victim services commission" means that term as  
 27 described in section 2 of 1976 PA 223, MCL 18.352.

1 (c) "Defendant" means a person charged with or convicted of  
2 having committed a serious misdemeanor against a victim.

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

6 (e) "Person" means an individual, organization, partnership,  
7 corporation, or governmental entity.

8 (f) "Prisoner" means a person who has been convicted and  
9 sentenced to imprisonment for having committed a serious  
10 misdemeanor against a victim.

11 (g) "Prosecuting attorney" means the prosecuting attorney for  
12 a county, an assistant prosecuting attorney for a county, the  
13 attorney general, the deputy attorney general, an assistant  
14 attorney general, a special prosecuting attorney, or, in connection  
15 with the prosecution of an ordinance violation, an attorney for the  
16 political subdivision that enacted the ordinance upon which the  
17 violation is based.

18 (H) "SERIOUS MISDEMEANOR" MEANS 1 OR MORE OF THE FOLLOWING:

19 (i) A VIOLATION OF SECTION 81 OF THE MICHIGAN PENAL CODE, 1931  
20 PA 328, MCL 750.81, ASSAULT AND BATTERY, INCLUDING DOMESTIC  
21 VIOLENCE.

22 (ii) A VIOLATION OF SECTION 81A OF THE MICHIGAN PENAL CODE,  
23 1931 PA 328, MCL 750.81A, ASSAULT; INFLICTION OF SERIOUS INJURY,  
24 INCLUDING AGGRAVATED DOMESTIC VIOLENCE.

25 (iii) A VIOLATION OF SECTION 81C(1) OF THE MICHIGAN PENAL  
26 CODE, MCL 750.81C, THREATS OR ASSAULT AGAINST AN EMPLOYEE OF THE  
27 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

1 (iv) A VIOLATION OF SECTION 115 OF THE MICHIGAN PENAL CODE,  
2 1931 PA 328, MCL 750.115, BREAKING AND ENTERING OR ILLEGAL ENTRY.

3 (v) A VIOLATION OF SECTION 136B(7) OF THE MICHIGAN PENAL CODE,  
4 1931 PA 328, MCL 750.136B, CHILD ABUSE IN THE FOURTH DEGREE.

5 (vi) A VIOLATION OF SECTION 145 OF THE MICHIGAN PENAL CODE,  
6 1931 PA 328, MCL 750.145, CONTRIBUTING TO THE NEGLECT OR  
7 DELINQUENCY OF A MINOR.

8 (vii) A MISDEMEANOR VIOLATION OF SECTION 145D OF THE MICHIGAN  
9 PENAL CODE, 1931 PA 328, MCL 750.145D, USING THE INTERNET OR A  
10 COMPUTER TO MAKE A PROHIBITED COMMUNICATION.

11 (viii) A MISDEMEANOR VIOLATION OF CHAPTER XXXI OF THE MICHIGAN  
12 PENAL CODE, 1931 PA 328, MCL 750.174 TO 750.182A, EMBEZZLEMENT.

13 (ix) A MISDEMEANOR VIOLATION OF CHAPTER XXXVI OF THE MICHIGAN  
14 PENAL CODE, 1931 PA 328, MCL 750.218 TO 750.221, FALSE PRETENSES  
15 WITH INTENT TO DEFRAUD.

16 (x) A VIOLATION OF SECTION 233 OF THE MICHIGAN PENAL CODE,  
17 1931 PA 328, MCL 750.233, INTENTIONALLY AIMING A FIREARM WITHOUT  
18 MALICE.

19 (xi) A VIOLATION OF SECTION 234 OF THE MICHIGAN PENAL CODE,  
20 1931 PA 328, MCL 750.234, DISCHARGE OF A FIREARM INTENTIONALLY  
21 AIMED AT A PERSON.

22 (xii) A VIOLATION OF SECTION 235 OF THE MICHIGAN PENAL CODE,  
23 1931 PA 328, MCL 750.235, DISCHARGE OF AN INTENTIONALLY AIMED  
24 FIREARM RESULTING IN INJURY.

25 (xiii) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,  
26 1931 PA 328, MCL 750.335A, INDECENT EXPOSURE.

27 (xiv) A MISDEMEANOR VIOLATION OF CHAPTER LVI OF THE MICHIGAN

1 PENAL CODE, 1931 PA 328, MCL 750.377A TO 750.395, MALICIOUS AND  
2 WILLFUL MISCHIEF AND DESTRUCTION.

3 (xv) A MISDEMEANOR VIOLATION OF SECTION 411H OF THE MICHIGAN  
4 PENAL CODE, 1931 PA 328, MCL 750.411H, STALKING.

5 (xvi) A VIOLATION OF SECTION 601B(2) OF THE MICHIGAN VEHICLE  
6 CODE, 1949 PA 300, MCL 257.601B, INJURING A WORKER IN A WORK ZONE.

7 (xvii) A VIOLATION OF SECTION 601D OF THE MICHIGAN VEHICLE  
8 CODE, 1949 PA 300, MCL 257.601D, MOVING VIOLATION CAUSING DEATH OR  
9 SERIOUS INJURY.

10 (xviii) A VIOLATION OF SECTION 617A OF THE MICHIGAN VEHICLE  
11 CODE, 1949 PA 300, MCL 257.617A, LEAVING THE SCENE OF A PERSONAL  
12 INJURY ACCIDENT.

13 (xix) A VIOLATION OF SECTION 625 OF THE MICHIGAN VEHICLE CODE,  
14 1949 PA 300, MCL 257.625, OPERATING A VEHICLE WHILE UNDER THE  
15 INFLUENCE OF OR IMPAIRED BY INTOXICATING LIQUOR OR A CONTROLLED  
16 SUBSTANCE, OR WITH AN UNLAWFUL BLOOD ALCOHOL CONTENT, IF THE  
17 VIOLATION INVOLVES AN ACCIDENT RESULTING IN DAMAGE TO ANOTHER  
18 INDIVIDUAL'S PROPERTY OR PHYSICAL INJURY OR DEATH TO ANOTHER  
19 INDIVIDUAL.

20 (xx) SELLING OR FURNISHING ALCOHOLIC LIQUOR TO AN INDIVIDUAL  
21 LESS THAN 21 YEARS OF AGE IN VIOLATION OF SECTION 701 OF THE  
22 MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701, IF  
23 THE VIOLATION RESULTS IN PHYSICAL INJURY OR DEATH TO ANY  
24 INDIVIDUAL.

25 (xxi) A VIOLATION OF SECTION 80176(1) OR (3) OF THE NATURAL  
26 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
27 324.80176, OPERATING A VESSEL WHILE UNDER THE INFLUENCE OF OR

1 IMPAIRED BY INTOXICATING LIQUOR OR A CONTROLLED SUBSTANCE, OR WITH  
2 AN UNLAWFUL BLOOD ALCOHOL CONTENT, IF THE VIOLATION INVOLVES AN  
3 ACCIDENT RESULTING IN DAMAGE TO ANOTHER INDIVIDUAL'S PROPERTY OR  
4 PHYSICAL INJURY OR DEATH TO ANY INDIVIDUAL.

5 (xxii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY  
6 CORRESPONDING TO A VIOLATION ENUMERATED IN SUBPARAGRAPHS (i) TO  
7 (xxi) .

8 (xxiii) A VIOLATION CHARGED AS A CRIME OR SERIOUS MISDEMEANOR  
9 ENUMERATED IN SUBPARAGRAPHS (i) TO (xxii) BUT SUBSEQUENTLY REDUCED  
10 TO OR PLEADED TO AS A MISDEMEANOR. AS USED IN THIS SUBPARAGRAPH,  
11 "CRIME" MEANS THAT TERM AS DEFINED IN SECTION 2.

12 (I) ~~(h)~~—"Victim" 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,~~ **DEFENDANT'S COURSE OF CONDUCT**, except as  
16 provided in subparagraph (ii), (iii), or (iv).

17 (ii) The following individuals other than the defendant if the  
18 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 of  
21 age or older and sub-subparagraph (A) does not apply.

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

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

27 (E) A sibling of the deceased victim if sub-subparagraphs (A)

1 to (D) do not apply.

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

4 **(G) AN UNCLE OR AUNT OF THE DECEASED IF SUB-SUBPARAGRAPHS (A)**  
5 **TO (F) DO NOT APPLY.**

6 (iii) A parent, guardian, or custodian of a victim who is less  
7 than 18 years of age and who is neither the defendant nor  
8 incarcerated, if the parent, guardian, or custodian so chooses. For  
9 the purpose of making an impact statement only, a parent, guardian,  
10 or custodian of a victim who is less than 18 years of age at the  
11 time of the commission of the crime and who is neither the  
12 defendant nor incarcerated, if the parent, guardian, or custodian  
13 so chooses. **WHEN THE VICTIM REACHES 18 YEARS OF AGE, HE OR SHE MAY**  
14 **CHOOSE TO EXERCISE ON HIS OR HER OWN ALL APPLICABLE VICTIM**  
15 **PRIVILEGES AND RIGHTS. THE VICTIM IS RESPONSIBLE FOR NOTIFYING THE**  
16 **APPROPRIATE AUTHORITY THAT HE OR SHE IS NOW EXERCISING THOSE**  
17 **PRIVILEGES AND RIGHTS.**

18 (iv) A parent, guardian, or custodian of a victim who is so  
19 mentally incapacitated that he or she cannot meaningfully  
20 understand or participate in the legal process if he or she is not  
21 the defendant and is not incarcerated.

22 **(2) IF A VICTIM AS DEFINED IN SUBSECTION (1) (I) (ii) DIES OR IS**  
23 **NO LONGER ABLE TO EXERCISE THE PRIVILEGES AND RIGHTS UNDER THIS**  
24 **ARTICLE, THE PRIVILEGES AND RIGHTS TRANSFER TO THE NEXT ELIGIBLE**  
25 **INDIVIDUAL LISTED IN THAT SUBPARAGRAPH. ANY PERSON TO WHOM THESE**  
26 **PRIVILEGES AND RIGHTS TRANSFER IS RESPONSIBLE FOR NOTIFYING THE**  
27 **APPROPRIATE AUTHORITY THAT HE OR SHE IS NOW EXERCISING THOSE**

1 PRIVILEGES AND RIGHTS ON BEHALF OF A VICTIM WHO IS DECEASED OR IS  
2 NO LONGER ABLE TO EXERCISE HIS OR HER PRIVILEGES AND RIGHTS UNDER  
3 THIS ARTICLE.

4 (3) ~~(2)~~—If a victim as defined in subsection ~~(1)(h)(i)~~  
5 (1) (I) (i) is physically or emotionally unable to exercise the  
6 privileges and rights under this article, the victim may designate  
7 his or her spouse, child 18 years of age or older, parent, sibling,  
8 or 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 person  
12 who is to act in place of the victim. During the physical or  
13 emotional disability, notices to be provided under this article to  
14 the victim shall continue to be sent only to the victim.

15 (4) ~~(3)~~—An individual who is charged with a serious  
16 misdemeanor, a crime as defined in section 2, or an offense as  
17 defined in section 31 arising out of the same transaction from  
18 which the charge against the defendant arose is not eligible to  
19 exercise the privileges and rights established for victims under  
20 this article.

21 (5) ~~(4)~~—An individual who is incarcerated is not eligible to  
22 exercise the privileges and rights established for victims under  
23 this article except that he or she may submit a written statement  
24 to the court for consideration at sentencing.

25 Sec. 61a. A law enforcement officer or prosecuting attorney  
26 who files with the court a complaint, appearance ticket, traffic  
27 citation, or other charging instrument regarding a serious

1 misdemeanor described in section ~~61(1)(a)(xv), (xvi), or (xvii),~~  
2 **61(1)(H)(xx), (xxi), OR (xxii)**, or a local ordinance substantially  
3 corresponding to a serious misdemeanor described in section  
4 ~~61(1)(a)(xv), (xvi), or (xvii),~~ **61(1)(H)(xx), (xxi), OR (xxii)**,  
5 shall place a statement on the complaint, appearance ticket,  
6 traffic citation, or other charging instrument that the offense  
7 resulted in damage to another individual's property or physical  
8 injury or death to another individual.

9       Sec. 61b. The duty under this chapter and under section 24 of  
10 article I of the state constitution of 1963 of a court, the  
11 department of corrections, the department of **HEALTH AND** human  
12 services, a county sheriff, or a prosecuting attorney to provide a  
13 notice to a victim also applies if the case against the defendant  
14 is resolved by assignment of the defendant to trainee status, by a  
15 delayed sentence or deferred judgment of guilt, or in another way  
16 that is not an acquittal or unconditional dismissal. In performing  
17 a duty under this chapter or under section 24 of article I of the  
18 state constitution of 1963, the court, department of corrections,  
19 department of **HEALTH AND** human services, county sheriff, or  
20 prosecuting attorney may furnish information or records to the  
21 victim that would otherwise be closed to public inspection,  
22 including information or records described in section 14 of chapter  
23 II of the code of criminal procedure, 1927 PA 175, MCL 762.14.

24       Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.

26       Enacting section 2. This amendatory act does not take effect  
27 unless all of the following bills of the 98th Legislature are

1 enacted into law:

2 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
3 01048'15).

4 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
5 01049'15).

6 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
7 01050'15).

8 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
9 01051'15).

10 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
11 01052'15).

12 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request no.  
13 01054'15).