

HOUSE BILL No. 6390

September 26, 2018, Introduced by Reps. Santana, Cochran, Dianda, Byrd, Garrett and Chang and referred to the Committee on Law and Justice.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 3 and 6 (MCL 780.753 and 780.756), section 3 as amended by 2000 PA 503 and section 6 as amended by 2005 PA 184, and by adding section 16c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. **(1)** Within 24 hours after the initial contact between
2 the victim of a reported crime and the law enforcement agency
3 having the responsibility for investigating that crime, that agency
4 shall give to the victim the following information in writing:

5 (a) The availability of emergency and medical services, if
6 applicable.

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

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

6 (d) The following statements:

7 "If you would like to be notified of an arrest in your case or
8 the release of the person arrested, or both, you should call
9 [identify law enforcement agency and telephone number] and inform
10 them."

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

14 **(2) WITHIN 24 HOURS AFTER THE INITIAL CONTACT BETWEEN THE**
15 **VICTIM OF A REPORTED ASSAULTIVE CRIME AND THE LAW ENFORCEMENT**
16 **AGENCY HAVING THE RESPONSIBILITY FOR INVESTIGATING THAT CRIME, THAT**
17 **AGENCY SHALL PROVIDE THE VICTIM INFORMATION ORALLY AND IN WRITING**
18 **REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT SERVICES AND**
19 **THE LOCATION OF AND SERVICES OFFERED BY CRIME SURVIVOR TRAUMA**
20 **RECOVERY CENTERS ESTABLISHED UNDER THE MICHIGAN CRIME SURVIVOR**
21 **TRAUMA RECOVERY CENTER ACT. AS USED IN THIS SUBSECTION, "ASSAULTIVE**
22 **CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF CHAPTER X OF THE**
23 **CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 770.9A.**

24 Sec. 6. (1) Not later than 7 days after the defendant's
25 arraignment for a crime, but not less than 24 hours before a
26 preliminary examination, the prosecuting attorney shall give to
27 each victim a written notice in plain English of each of the

1 following:

2 (a) A brief statement of the procedural steps in the
3 processing of a criminal case.

4 (b) A specific list of the rights and procedures under this
5 article.

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

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

12 (e) Suggested procedures if the victim is subjected to threats
13 or intimidation.

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

15 **(2) NOT LATER THAN 7 DAYS AFTER THE DEFENDANT'S ARRAIGNMENT**
16 **FOR AN ASSAULTIVE CRIME, BUT NOT LESS THAN 24 HOURS BEFORE A**
17 **PRELIMINARY EXAMINATION, THE PROSECUTING ATTORNEY SHALL PROVIDE THE**
18 **VICTIM INFORMATION ORALLY AND IN WRITING REGARDING MENTAL HEALTH**
19 **AND SUBSTANCE ABUSE TREATMENT SERVICES AND THE LOCATION OF AND**
20 **SERVICES OFFERED BY CRIME SURVIVOR TRAUMA RECOVERY CENTERS**
21 **ESTABLISHED UNDER THE MICHIGAN CRIME SURVIVOR TRAUMA RECOVERY**
22 **CENTER ACT. AS USED IN THIS SUBSECTION, "ASSAULTIVE CRIME" MEANS**
23 **THAT TERM AS DEFINED IN SECTION 9A OF CHAPTER X OF THE CODE OF**
24 **CRIMINAL PROCEDURE, 1927 PA 175, MCL 770.9A.**

25 **(3) ~~(2)~~**—If the victim requests, the prosecuting attorney shall
26 give the victim notice of any scheduled court proceedings and any
27 changes in that schedule.

1 (4) ~~(3)~~—Before finalizing any negotiation that may result in a
2 dismissal, plea or sentence bargain, or pretrial diversion, the
3 prosecuting attorney shall offer the victim the opportunity to
4 consult with the prosecuting attorney to obtain the victim's views
5 about the disposition of the prosecution for the crime, including
6 the victim's views about dismissal, plea or sentence negotiations,
7 and pretrial diversion programs.

8 (5) ~~(4)~~—A victim who receives a notice under subsection (1) **OR**
9 **(2)** and who chooses to receive any notice or exercise any right
10 under this article shall keep the following persons informed of the
11 victim's current address and telephone number:

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

14 (b) The department of corrections or the sheriff, as the
15 prosecuting attorney directs, if the defendant is imprisoned.

16 (c) The department of **HEALTH AND** human services or county
17 juvenile agency, as the prosecuting attorney directs, if the
18 defendant is held in a juvenile facility.

19 (d) The hospital or facility, as the prosecuting attorney
20 directs, if the defendant is hospitalized in or admitted to a
21 hospital or a facility.

22 **SEC. 16C. AT EITHER THE TIME OF CONVICTION OR THE TIME OF**
23 **SENTENCING OF A DEFENDANT FOR AN ASSAULTIVE CRIME, THE COURT SHALL**
24 **PROVIDE THE VICTIM OF THE ASSAULTIVE CRIME INFORMATION ORALLY AND**
25 **IN WRITING REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT**
26 **SERVICES AND THE LOCATION OF AND SERVICES OFFERED BY CRIME SURVIVOR**
27 **TRAUMA RECOVERY CENTERS ESTABLISHED UNDER THE MICHIGAN CRIME**

1 SURVIVOR TRAUMA RECOVERY CENTER ACT. AS USED IN THIS SECTION,
2 "ASSAULTIVE CRIME" MEANS THAT TERM AS DEFINED IN SECTION 9A OF
3 CHAPTER X OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL
4 770.9A.

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

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No. ____ or House Bill No. 6388 (request no.
9 06335'18) of the 99th Legislature is enacted into law.