

HOUSE BILL No. 4857

June 29, 1987, Introduced by Reps. Van Regenmorter, Gubow, Stabenow, Willis Bullard, Gire, Martin, Stacey, Ciaramitaro, DeBeaussaert, Krause, Randall, Oxender, Farhat, Varga, Mathieu, Nye, Sparks, Miller, Walberg, Ouwinga, Allen, Dunaskiss, Perry Bullard, Bender, Power, Strand, Spaniola, Hertel, Smith, Bënnane, Emmons, Fitzgerald, Honigman, Law, Sikkema, Bankes, Middaugh, Connors, Wartner, Stopczynski, Keith, Gagliardi, Clack, Jonker, Niederstadt, Leland, Hickner and Munsell and referred to the Committee on Judiciary.

A bill to amend sections 2, 5, 6, 13, 16, 19, 23, 24, and 25 of Act No. 87 of the Public Acts of 1985, entitled "Crime victim's rights act," section 16 as amended by Act No. 234 of the Public Acts of 1986, being sections 780.752, 780.755, 780.756, 780.763, 780.766, 780.769, 780.773, 780.774, and 780.775 of the Michigan Compiled Laws; and to add section 15a and chapter 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 5, 6, 13, 16, 19, 23, 24, and 25 of
2 Act No. 87 of the Public Acts of 1985, section 16 as amended by
3 Act No. 234 of the Public Acts of 1986, being sections 780.752,
4 780.755, 780.756, 780.763, 780.766, 780.769, 780.773, 780.774,
5 and 780.775 of the Michigan Compiled Laws, are amended and
6 section 15a and chapter 3 are added to read as follows:

CHAPTER 1

Sec. 2. (1) As used in this ~~act~~ CHAPTER:

(a) "Crime" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year, or an offense expressly designated by law to be a felony.

(b) "Defendant" means a person charged with or convicted of having committed a crime against a victim.

(c) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court, OR THE RESULT OF AN APPEAL.

(d) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a crime against a victim.

(e) "Victim", except for purposes of section 16, means any of the following:

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

(ii) The following relations of a deceased victim if the relation is not the defendant:

(A) The spouse.

(B) ~~An adult~~ A child 15 YEARS OF AGE OR OLDER if subparagraph (A) does not apply.

1 (C) A parent if subparagraphs (A) and (B) do not apply.

2 (D) A sibling if subparagraphs (A) to (C) do not apply.

3 (E) A grandparent if subparagraphs (A) to (D) do not apply.

4 (iii) A parent, guardian, or custodian of a victim who is ~~a~~
5 ~~minor or legally incapacitated person~~ LESS THAN 18 YEARS OF AGE
6 IF THE PARENT, GUARDIAN, OR CUSTODIAN SO CHOOSES.

7 (iv) A PARENT, GUARDIAN, OR CUSTODIAN OF A VICTIM WHO IS SO
8 MENTALLY INCAPACITATED THAT HE OR SHE CANNOT MEANINGFULLY UNDER-
9 STAND OR PARTICIPATE IN THE LEGAL PROCESS.

10 (2) If a victim as defined in subsection (1)(e)(i) is physi-
11 cally unable to exercise the privileges and rights under this
12 ~~act~~ CHAPTER, the victim may designate by written instrument his
13 or her spouse or ~~an adult~~ A child 15 YEARS OF AGE OR OLDER,
14 parent, sibling, or grandparent of the victim to act in place of
15 the victim during the duration of the physical disability.
16 During the physical disability, notices to be provided under this
17 ~~act~~ CHAPTER to the victim shall continue to be sent only to the
18 victim.

19 Sec. 5. (1) Not later than 24 hours after the arraignment
20 of the defendant for a crime, the law enforcement agency having
21 responsibility for investigating the crime shall give to the
22 victim NOTICE OF THE AVAILABILITY OF PRETRIAL RELEASE FOR THE
23 DEFENDANT, the phone number of the sheriff, and notice that the
24 victim may contact the sheriff to determine whether the defendant
25 has been released from custody.

26 (2) Based upon the victim's affidavit asserting acts or
27 threats of physical violence or intimidation by the defendant or

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

4 Sec. 6. (1) Not later than 7 days after the arraignment of
5 the defendant for a crime, but not less than 24 hours before a
6 preliminary examination, the prosecuting attorney shall give to
7 each victim a written notice IN PLAIN ENGLISH of each of the
8 following:

9 (a) A brief statement ~~in plain English~~ of the procedural
10 steps in the processing of a criminal case.

11 (b) The rights and procedures under this ~~act~~ CHAPTER.

12 (c) Details and eligibility requirements under Act No. 223
13 of the Public Acts of 1976, being sections 18.351 to 18.368 of
14 the Michigan Compiled Laws.

15 (d) Suggested procedures if the victim is subjected to
16 threats or intimidation.

17 (e) The person to contact for further information.

18 (2) If requested by the victim, the prosecuting attorney
19 shall give to the victim notice of any scheduled court proceed-
20 ings, INCLUDING ANY PROCEEDINGS ON APPEAL AND ANY COURT PROCEED-
21 INGS FOLLOWING AN APPEAL; and notice of any changes in that
22 schedule.

23 (3) The prosecuting attorney shall offer the victim the
24 opportunity to consult with the prosecuting attorney to obtain
25 the views of the victim about the disposition of a crime, includ-
26 ing the victim's views about dismissal, plea or sentence
27 negotiations, and pretrial diversion programs.

1 (4) A victim who receives a notice under subsection (1) and
2 who chooses to receive any other notice or notices under this
3 ~~act~~ CHAPTER shall keep the following persons informed of the
4 victim's current address and phone number:

5 (a) The prosecuting attorney, until sentence has been
6 imposed or the case is disposed of, whichever occurs earlier.

7 (b) The department of corrections or the sheriff as directed
8 by the prosecuting attorney if the defendant is imprisoned.

9 Sec. 13. (1) The prosecuting attorney, upon and in accord-
10 ance with the request of the victim, shall give to the victim
11 notice of the following:

12 (a) The defendant's conviction.

13 (b) The crimes for which the defendant was convicted.

14 (c) The victim's right to make a written or oral impact
15 statement for use in the preparation of a presentence investiga-
16 tion report concerning the defendant.

17 (d) The address and telephone number of the probation office
18 which is to prepare the presentence investigation report.

19 (e) That a presentence investigation report and any state-
20 ment of the victim included in the report will be made available
21 to the defendant unless exempted from disclosure by the court.

22 (f) The victim's right to make an impact statement at
23 sentencing.

24 (g) The time and place of the sentencing proceeding.

25 (H) A BRIEF EXPLANATION IN PLAIN ENGLISH OF THE APPEAL PRO-
26 CESS, INCLUDING THE POSSIBLE DISPOSITIONS.

1 (I) THE RELEASE OF THE DEFENDANT PENDING AN APPEAL.

2 (J) THE FINAL DISPOSITION OF AN APPEAL BY THE DEFENDANT.

3 (2) The notice given by the prosecuting attorney to the
4 victim must be given by any means reasonably calculated to give
5 prompt actual notice.

6 (3) A notice given under subsection (1) shall inform the
7 victim that his or her impact statement may include but shall not
8 be limited to the following:

9 (a) An explanation of the nature and extent of any physical,
10 psychological, or emotional harm or trauma suffered by the
11 victim.

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

14 (c) An opinion of the need for and extent of restitution and
15 whether the victim has applied for or received compensation for
16 loss or damage.

17 (d) The victim's recommendation for an appropriate
18 sentence.

19 SEC. 15A. FOR ANY POST-APPEAL COURT PROCEEDINGS, THE VICTIM
20 SHALL HAVE THE SAME RIGHTS REQUESTED FOR THE PROCEEDINGS AGAINST
21 THE DEFENDANT LEADING TO THE APPEAL.

22 Sec. 16. (1) For purposes of this section only, "victim"
23 means an individual who suffers direct or threatened physical,
24 financial, or emotional harm as a result of the commission of a
25 crime; and for purposes of subsections (2), {(3)}, (4), (7), (9),
26 (10), (11), and (15), "victim" includes a sole proprietorship,
27 partnership, or corporation.

1 (2) The court, when sentencing a defendant convicted of a
2 crime, may order, in addition to or in lieu of any other penalty
3 authorized by law or in addition to any other penalty required by
4 law, that the defendant make restitution to any victim or
5 victim's estate of the defendant's course of conduct which gives
6 rise to the conviction.

7 (3) If the court does not order restitution, or orders only
8 partial restitution under this section, the court shall state on
9 the record the reasons for that action.

10 (4) If a crime results in damage to or loss or destruction
11 of property of a victim of the offense, the order of restitution
12 may require that the defendant do either of the following:

13 (a) Return the property to the owner of the property or to a
14 person designated by the owner.

15 (b) If return of the property under subdivision (a) is
16 impossible, impractical, or inadequate, pay an amount equal to
17 the greater of subparagraphs (i) or (ii), less the value, deter-
18 mined as of the date the property is returned, of that property
19 or any part of the property that is returned:

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

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

23 (5) If a crime results in physical or psychological injury
24 to a victim, the order of restitution may require that the
25 defendant do 1 or more of the following, as applicable:

1 (a) Pay an amount equal to the cost of actual medical and
2 related professional services and devices relating to physical
3 and psychological care.

4 (b) Pay an amount equal to the cost of actual physical and
5 occupational therapy and rehabilitation.

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

9 (d) Pay an amount equal to the cost of psychological and
10 medical treatment for members of the victim's family which has
11 been incurred as a result of the offense.

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

16 (7) Instead of restitution under subsections (4) to (6), if
17 the victim or victim's estate consents, the order of restitution
18 may require that the defendant make restitution in services in
19 lieu of money, or make restitution to a person designated by the
20 victim or victim's estate if that person provided services to the
21 victim as a result of the crime.

22 (8) If the court orders restitution under this section, the
23 court shall, if the victim is deceased, order that the restitu-
24 tion be made to the victim's estate.

25 (9) Any order of restitution shall be as fair as possible to
26 the victim or victim's estate without unduly complicating or
27 prolonging the sentencing process.

1 (10) The court shall not order restitution with respect to a
2 loss for which the victim or victim's estate has received or is
3 to receive compensation, including insurance, except that the
4 court may, in the interest of justice, order restitution to the
5 crime victims compensation board or to any person who has compen-
6 sated the victim or victim's estate for such a loss to the extent
7 that the crime victims compensation board or the person paid the
8 compensation. An order of restitution shall require that all
9 restitution to a victim or victim's estate under the order be
10 made before any restitution to any other person under that order
11 is made.

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

19 (12) If not otherwise provided by the court under this sub-
20 section, restitution shall be made immediately. However, the
21 court may require that the defendant make restitution under this
22 section within a specified period or in specified installments.
23 The end of the period or the last installment shall not be later
24 than the following:

25 (a) The end of the period of probation, if probation is
26 ordered.

1 (b) Two years after the end of imprisonment or discharge
2 from parole, whichever occurs later, if the court does not order
3 probation.

4 (c) Three years after the date of sentencing in any other
5 case.

6 (13) If the defendant is placed on probation or paroled, any
7 restitution ordered under this section shall be a condition of
8 that probation or parole. The court may revoke probation and the
9 parole board may revoke parole if the defendant fails to comply
10 with the order and if the defendant has not made a good faith
11 effort to comply with the order. In determining whether to
12 revoke probation or parole, the court or parole board shall con-
13 sider the defendant's employment status, earning ability, finan-
14 cial resources, and the willfulness of the defendant's failure to
15 pay, and any other special circumstances that may have a bearing
16 on the defendant's ability to pay.

17 (14) A defendant who is required to pay restitution and who
18 is not in willful default of the payment of the restitution, at
19 any time, may petition the sentencing judge or his or her succes-
20 sor for a cancellation of any unpaid portion of restitution. If
21 it appears to the satisfaction of the court that payment of the
22 amount due will impose a manifest hardship on the defendant or
23 his or her immediate family, the court may cancel all or part of
24 the amount due in restitution or modify the method of payment.

25 (15) An order of restitution may be enforced by the prose-
26 cuting attorney or a victim or victim's estate named in the order

1 to receive the restitution in the same manner as a judgment in a
2 civil action.

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

10 Sec. 19. (1) Upon the written request of a victim of a
11 crime, the sheriff or the department of corrections shall mail to
12 the victim the following, as applicable, about a prisoner who has
13 been sentenced to imprisonment under the jurisdiction of the
14 sheriff or the department for commission of that crime:

15 (a) Within 30 days after the request, notice of the
16 sheriff's calculation of the earliest release date of the prison-
17 er, or the department's calculation of the earliest parole eligi-
18 bility date of the prisoner, with all potential good time or dis-
19 ciplinary credits considered if the sentence of imprisonment
20 exceeds 90 days. The victim may request 1-time only notice of
21 the calculation described in this subdivision.

22 (b) Notice of the transfer or pending transfer of the pris-
23 oner to a minimum security facility and the address of that
24 facility.

25 (c) Notice of the release or pending release of the prisoner
26 in a community residential program, under extended furlough, or
27 any other transfer of a prisoner to community status.

1 (d) Notice of any reduction in the minimum sentence
2 resulting under the prison overcrowding emergency powers act, Act
3 No. 519 of the Public Acts of 1980, being sections 800.71 to
4 800.79 of the Michigan Compiled Laws.

5 (e) Notice of the escape of the person accused, convicted,
6 or imprisoned for committing a crime against the victim, as pro-
7 vided in section 20.

8 (f) Notice of the victim's right to address or submit a
9 written statement for consideration by a parole board member or a
10 member of any other panel having authority over the prisoner's
11 release on parole, as provided in section 21.

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

15 (h) Notice of the release of a prisoner 90 days before the
16 date of the prisoner's discharge from prison where practical,
17 unless the notice has been otherwise provided under this ~~act~~
18 CHAPTER.

19 (i) Notice of a public hearing pursuant to section 44 of Act
20 No. 232 of the Public Acts of 1953, being ~~sections~~ SECTION
21 791.244 of the Michigan Compiled Laws, regarding a reprieve, com-
22 mutation, or pardon of the prisoner's sentence by the governor.

23 (2) A victim's address and telephone number maintained by a
24 sheriff or the department of corrections pursuant to a request
25 for notice under subsection (1) shall be exempt from disclosure
26 under the freedom of information act, Act No. 442 of the Public

1 Acts of 1976, being sections 15.231 to 15.246 of the Michigan
2 Compiled Laws.

3 Sec. 23. Nothing in this ~~act~~ CHAPTER shall be construed
4 as creating a cause of action for money damages against the
5 state, a county, a municipality or any of their agencies, or
6 instrumentalities, or employees.

7 Sec. 24. The failure to provide a right, privilege, or
8 notice to a victim under this ~~act~~ CHAPTER shall not be grounds
9 for the defendant to seek to have the conviction or sentence set
10 aside.

11 Sec. 25. (1) This ~~act~~ CHAPTER shall not take effect until
12 the expiration of 90 days from its enactment into law.

13 (2) This ~~act~~ CHAPTER shall apply only to crimes committed
14 on or after the effective date of this ~~act~~ CHAPTER.

15 CHAPTER 3

16 SEC. 52. (1) AS USED IN THIS CHAPTER:

17 (A) "SERIOUS MISDEMEANOR" MEANS 1 OF THE FOLLOWING
18 MISDEMEANORS:

19 (i) A VIOLATION OF SECTION 81 OF THE MICHIGAN PENAL CODE,
20 ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750.81 OF
21 THE MICHIGAN COMPILED LAWS, ASSAULT AND BATTERY.

22 (ii) A VIOLATION OF SECTION 81A OF ACT NO. 328 OF THE PUBLIC
23 ACTS OF 1931, BEING SECTION 750.81A OF THE MICHIGAN COMPILED
24 LAWS, ASSAULT; INFLICTION OF SERIOUS INJURY.

25 (iii) A VIOLATION OF SECTION 115 OF ACT NO. 328 OF THE
26 PUBLIC ACTS OF 1931, BEING SECTION 750.115 OF THE MICHIGAN
27 COMPILED LAWS, BREAKING AND ENTERING OR ILLEGAL ENTRY.

1 (iv) A VIOLATION OF SECTION 145A OF ACT NO. 328 OF THE
2 PUBLIC ACTS OF 1931, BEING SECTION 750.145A OF THE MICHIGAN
3 COMPILED LAWS, ENTICING A CHILD FOR IMMORAL PURPOSES.

4 (v) A VIOLATION OF SECTION 234 OF ACT NO. 328 OF THE PUBLIC
5 ACTS OF 1931, BEING SECTION 750.234 OF THE MICHIGAN COMPILED
6 LAWS, DISCHARGE OF A FIREARM INTENTIONALLY AIMED AT A PERSON.

7 (vi) A VIOLATION OF SECTION 235 OF ACT NO. 328 OF THE PUBLIC
8 ACTS OF 1931, BEING SECTION 750.235 OF THE MICHIGAN COMPILED
9 LAWS, DISCHARGE OF AN INTENTIONALLY AIMED FIREARM RESULTING IN
10 INJURY.

11 (vii) A VIOLATION OF SECTION 617A OF THE MICHIGAN VEHICLE
12 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION
13 257.617A OF THE MICHIGAN COMPILED LAWS, LEAVING THE SCENE OF A
14 PERSONAL INJURY ACCIDENT.

15 (viii) A VIOLATION OF SECTION 625 OR 625B OF ACT NO. 300 OF
16 THE PUBLIC ACTS OF 1949, BEING SECTIONS 257.625 AND 257.625B OF
17 THE MICHIGAN COMPILED LAWS, OPERATING A VEHICLE WHILE UNDER THE
18 INFLUENCE OF OR IMPAIRED BY ALCOHOL OR A CONTROLLED SUBSTANCE, IF
19 THE VIOLATION INVOLVES AN ACCIDENT RESULTING IN INJURY TO
20 ANOTHER'S PERSON.

21 (ix) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
22 SPONDING TO A VIOLATION ENUMERATED IN SUBPARAGRAPHS (i) TO
23 (viii).

24 (B) "DEFENDANT" MEANS A PERSON CHARGED WITH OR CONVICTED OF
25 HAVING COMMITTED A SERIOUS MISDEMEANOR AGAINST A VICTIM.

26 (C) "FINAL DISPOSITION" MEANS THE ULTIMATE TERMINATION OF
27 THE CRIMINAL PROSECUTION OF A DEFENDANT INCLUDING, BUT NOT

1 LIMITED TO, DISMISSAL, ACQUITTAL, IMPOSITION OF A SENTENCE BY THE
2 COURT, OR THE RESULT OF AN APPEAL.

3 (D) "PRISONER" MEANS A PERSON WHO HAS BEEN CONVICTED AND
4 SENTENCED TO IMPRISONMENT FOR HAVING COMMITTED A SERIOUS MISDE-
5 MEANOR AGAINST A VICTIM.

6 (E) "VICTIM", EXCEPT FOR PURPOSES OF SECTION 70, MEANS ANY
7 OF THE FOLLOWING:

8 (i) AN INDIVIDUAL WHO SUFFERS DIRECT OR THREATENED PHYSICAL,
9 FINANCIAL, OR EMOTIONAL HARM AS A RESULT OF THE COMMISSION OF A
10 SERIOUS MISDEMEANOR, EXCEPT AS PROVIDED IN SUBPARAGRAPH (ii),
11 (iii), OR (iv).

12 (ii) THE FOLLOWING RELATIONS OF A DECEASED VICTIM IF THE
13 RELATION IS NOT THE DEFENDANT:

14 (A) THE SPOUSE.

15 (B) A CHILD 15 YEARS OF AGE OR OLDER IF SUBPARAGRAPH (A)
16 DOES NOT APPLY.

17 (C) A PARENT IF SUBPARAGRAPHS (A) AND (B) DO NOT APPLY.

18 (D) A SIBLING IF SUBPARAGRAPHS (A) TO (C) DO NOT APPLY.

19 (E) A GRANDPARENT IF SUBPARAGRAPHS (A) TO (D) DO NOT APPLY.

20 (iii) A PARENT, GUARDIAN, OR CUSTODIAN OF A VICTIM WHO IS
21 LESS THAN 18 YEARS OF AGE IF THE PARENT, GUARDIAN, OR CUSTODIAN
22 SO CHOOSES.

23 (iv) A PARENT, GUARDIAN, OR CUSTODIAN OF A VICTIM WHO IS SO
24 MENTALLY INCAPACITATED THAT HE OR SHE CANNOT MEANINGFULLY UNDER-
25 STAND OR PARTICIPATE IN THE LEGAL PROCESS.

26 (2) IF A VICTIM AS DEFINED IN SUBSECTION (1)(E)(i) IS
27 PHYSICALLY UNABLE TO EXERCISE THE PRIVILEGES AND RIGHTS UNDER

1 THIS CHAPTER, THE VICTIM MAY DESIGNATE HIS OR HER SPOUSE OR A
2 CHILD 15 YEARS OF AGE OR OLDER, PARENT, SIBLING, OR GRANDPARENT
3 OF THE VICTIM TO ACT IN PLACE OF THE VICTIM DURING THE DURATION
4 OF THE PHYSICAL DISABILITY. THE VICTIM SHALL INFORM THE PROSE-
5 CUTING ATTORNEY OF WHO IS TO ACT IN PLACE OF THE VICTIM. DURING
6 THE PHYSICAL DISABILITY, NOTICES TO BE PROVIDED UNDER THIS ACT TO
7 THE VICTIM SHALL CONTINUE TO BE SENT ONLY TO THE VICTIM.

8 (3) AN INDIVIDUAL WHO IS CHARGED WITH A SERIOUS MISDEMEANOR
9 OR A CRIME AS DEFINED IN CHAPTER 1 ARISING OUT OF THE SAME TRANS-
10 ACTION FROM WHICH THE CHARGE AGAINST THE DEFENDANT AROSE IS NOT
11 ELIGIBLE TO EXERCISE THE PRIVILEGES AND RIGHTS ESTABLISHED FOR
12 VICTIMS UNDER THIS CHAPTER.

13 SEC. 53. A LAW ENFORCEMENT OFFICER INVESTIGATING A SERIOUS
14 MISDEMEANOR INVOLVING A VICTIM SHALL INCLUDE WITH THE COMPLAINT,
15 APPEARANCE TICKET, OR TRAFFIC CITATION FILED WITH THE COURT THE
16 NAME, ADDRESS, AND PHONE NUMBER OF THE VICTIM, IN WRITING.

17 SEC. 54. WITHIN 24 HOURS AFTER THE INITIAL CONTACT BETWEEN
18 THE VICTIM OF A SERIOUS MISDEMEANOR AND THE LAW ENFORCEMENT
19 AGENCY HAVING THE RESPONSIBILITY FOR INVESTIGATING THAT SERIOUS
20 MISDEMEANOR, THAT AGENCY SHALL GIVE TO THE VICTIM THE FOLLOWING
21 INFORMATION:

22 (A) THE AVAILABILITY OF EMERGENCY AND MEDICAL SERVICES, IF
23 APPLICABLE.

24 (B) THE AVAILABILITY OF VICTIM'S COMPENSATION BENEFITS AND
25 THE ADDRESS OF THE CRIME VICTIMS COMPENSATION BOARD.

1 (C) THE ADDRESS AND PHONE NUMBER OF THE PROSECUTING ATTORNEY
2 WHOM THE VICTIM SHOULD CONTACT TO OBTAIN INFORMATION ABOUT
3 VICTIM'S RIGHTS.

4 (D) THE FOLLOWING STATEMENT:

5 "IF WITHIN 6 MONTHS, YOU ARE NOT NOTIFIED OF AN ARREST IN
6 YOUR CASE, YOU MAY CALL [THE LAW ENFORCEMENT AGENCY'S TELEPHONE
7 NUMBER] FOR THE STATUS OF THE CASE."

8 SEC. 55. (1) THE LAW ENFORCEMENT AGENCY HAVING RESPONSIBIL-
9 ITY FOR INVESTIGATING A REPORTED SERIOUS MISDEMEANOR SHALL
10 PROMPTLY RETURN TO THE VICTIM PROPERTY BELONGING TO THAT VICTIM
11 WHICH IS TAKEN IN THE COURSE OF THE INVESTIGATION, EXCEPT AS PRO-
12 VIDED IN SUBSECTIONS (2) TO (4).

13 (2) THE AGENCY SHALL NOT RETURN PROPERTY WHICH IS
14 CONTRABAND.

15 (3) THE AGENCY SHALL NOT RETURN PROPERTY IF THE OWNERSHIP OF
16 THE PROPERTY IS DISPUTED UNTIL THE DISPUTE IS RESOLVED.

17 (4) THE AGENCY SHALL RETAIN AS EVIDENCE ANY WEAPON USED IN
18 THE COMMISSION OF THE SERIOUS MISDEMEANOR AND ANY OTHER EVIDENCE
19 IF THE PROSECUTING ATTORNEY CERTIFIES THAT THERE IS A NEED TO
20 RETAIN THAT EVIDENCE IN LIEU OF A PHOTOGRAPH OR OTHER MEANS OF
21 MEMORIALIZING ITS POSSESSION BY THE AGENCY.

22 SEC. 56. (1) NOT LATER THAN 72 HOURS AFTER THE ARREST OF
23 THE DEFENDANT FOR A SERIOUS MISDEMEANOR, THE LAW ENFORCEMENT
24 AGENCY HAVING RESPONSIBILITY FOR INVESTIGATING THE SERIOUS MISDE-
25 MEANOR SHALL GIVE TO THE VICTIM NOTICE OF THE AVAILABILITY OF
26 PRETRIAL RELEASE FOR THE DEFENDANT, THE PHONE NUMBER OF THE

1 SHERIFF, AND NOTICE THAT THE VICTIM MAY CONTACT THE SHERIFF TO
2 DETERMINE WHETHER THE DEFENDANT HAS BEEN RELEASED FROM CUSTODY.

3 (2) IF THE VICTIM SUBMITS AN AFFIDAVIT ASSERTING ACTS OR
4 THREATS OF PHYSICAL VIOLENCE OR INTIMIDATION BY THE DEFENDANT OR
5 AT THE DEFENDANT'S DIRECTION AGAINST THE VICTIM OR THE VICTIM'S
6 IMMEDIATE FAMILY, THE PROSECUTING ATTORNEY, BASED ON THE VICTIM'S
7 AFFIDAVIT, MAY MOVE THAT THE BOND OR PERSONAL RECOGNIZANCE OF A
8 DEFENDANT BE REVOKED.

9 SEC. 57. (1) IF A PLEA OF GUILTY OR NOLO CONTENDERE IS
10 ACCEPTED BY THE COURT AT THE TIME OF THE ARRAIGNMENT OF THE
11 DEFENDANT FOR A SERIOUS MISDEMEANOR, THE COURT SHALL NOTIFY THE
12 PROSECUTING ATTORNEY OF THE PLEA WITHIN 48 HOURS AFTER THE
13 ACCEPTANCE. THE COURT SHALL FORWARD THE NAME, ADDRESS, AND PHONE
14 NUMBER OF THE VICTIM TO THE PROSECUTING ATTORNEY ALONG WITH THIS
15 NOTICE. WITHIN 48 HOURS AFTER RECEIVING THIS NOTICE FROM THE
16 COURT, THE PROSECUTING ATTORNEY SHALL PROVIDE THE VICTIM WITH A
17 WRITTEN NOTICE IN PLAIN ENGLISH OF EACH OF THE FOLLOWING:

18 (A) A BRIEF EXPLANATION OF THE PROCEDURAL STEPS IN THE PRO-
19 CESSING OF A MISDEMEANOR CASE, INCLUDING PRETRIAL CONFERENCES.

20 (B) THE RIGHTS AND PROCEDURES UNDER THIS CHAPTER AVAILABLE
21 TO THE VICTIM WHEN A PLEA OF GUILTY OR NOLO CONTENDERE IS
22 ACCEPTED AT THE ARRAIGNMENT OF THE DEFENDANT.

23 (C) DETAILS AND ELIGIBILITY REQUIREMENTS UNDER ACT NO. 223
24 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 18.351 TO 18.368 OF
25 THE MICHIGAN COMPILED LAWS.

26 (D) SUGGESTED PROCEDURES IF THE VICTIM IS SUBJECTED TO
27 THREATS OR INTIMIDATION.

1 (E) THE PERSON TO CONTACT FOR FURTHER INFORMATION.

2 (2) IF NO GUILTY OR NOLO CONTENDERE PLEA IS ACCEPTED AT THE
3 ARRAIGNMENT OF THE DEFENDANT AND FURTHER PROCEEDINGS WILL BE
4 SCHEDULED, THE COURT SHALL SO NOTIFY THE PROSECUTING ATTORNEY
5 WITHIN 48 HOURS AFTER THE ARRAIGNMENT. THIS NOTICE SHALL INCLUDE
6 THE NAME, ADDRESS, AND PHONE NUMBER OF THE VICTIM. WITHIN
7 48 HOURS AFTER RECEIVING THIS NOTICE, THE PROSECUTING ATTORNEY
8 SHALL GIVE TO EACH VICTIM A WRITTEN NOTICE IN PLAIN ENGLISH OF
9 EACH OF THE FOLLOWING:

10 (A) A BRIEF STATEMENT OF THE PROCEDURAL STEPS IN THE PRO-
11 CESSING OF A MISDEMEANOR CASE, INCLUDING PRETRIAL CONFERENCES.

12 (B) THE RIGHTS AND PROCEDURES UNDER THIS CHAPTER.

13 (C) DETAILS AND ELIGIBILITY REQUIREMENTS UNDER ACT NO. 223
14 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 18.351 TO 18.368 OF
15 THE MICHIGAN COMPILED LAWS.

16 (D) SUGGESTED PROCEDURES IF THE VICTIM IS SUBJECTED TO
17 THREATS OR INTIMIDATION.

18 (E) THE PERSON TO CONTACT FOR FURTHER INFORMATION.

19 (3) IF REQUESTED BY THE VICTIM, THE PROSECUTING ATTORNEY
20 SHALL GIVE TO THE VICTIM NOTICE OF ANY SCHEDULED COURT PROCEED-
21 INGS, INCLUDING ANY PROCEEDINGS ON APPEAL AND ANY COURT PROCEED-
22 INGS FOLLOWING AN APPEAL, AND NOTICE OF ANY CHANGES IN THAT
23 SCHEDULE.

24 (4) IF THE DEFENDANT HAS NOT ALREADY ENTERED A PLEA OF
25 GUILTY OR NOLO CONTENDERE AT THE ARRAIGNMENT, THE PROSECUTING
26 ATTORNEY SHALL OFFER THE VICTIM THE OPPORTUNITY TO CONSULT WITH
27 THE PROSECUTING ATTORNEY TO OBTAIN THE VIEWS OF THE VICTIM ABOUT

1 THE DISPOSITION OF A SERIOUS MISDEMEANOR, INCLUDING THE VICTIM'S
2 VIEWS ABOUT DISMISSAL, PLEA OR SENTENCE NEGOTIATIONS, AND PRE-
3 TRIAL DIVERSION PROGRAMS.

4 (5) IF THE CASE AGAINST THE DEFENDANT IS DISMISSED AT ANY
5 TIME, THE PROSECUTING ATTORNEY SHALL NOTIFY THE VICTIM OF THE
6 DISMISSAL WITHIN 48 HOURS.

7 (6) A VICTIM WHO RECEIVES A NOTICE UNDER SUBSECTION (1) OR
8 (2) AND WHO CHOOSES TO RECEIVE ANY OTHER NOTICE OR NOTICES UNDER
9 THIS ACT SHALL KEEP THE FOLLOWING PERSONS INFORMED OF THE
10 VICTIM'S CURRENT ADDRESS AND PHONE NUMBER:

11 (A) THE PROSECUTING ATTORNEY, UNTIL SENTENCE HAS BEEN
12 IMPOSED OR THE CASE IS DISPOSED OF, WHICHEVER OCCURS EARLIER.

13 (B) THE SHERIFF, IF THE DEFENDANT IS IMPRISONED.

14 SEC. 58. THE COURT SHALL PROVIDE A WAITING AREA FOR THE
15 VICTIM SEPARATE FROM THE DEFENDANT, DEFENDANT'S RELATIVES, AND
16 DEFENSE WITNESSES IF SUCH AN AREA IS AVAILABLE AND THE USE OF THE
17 AREA IS PRACTICAL. IF A SEPARATE WAITING AREA IS NOT AVAILABLE
18 OR PRACTICAL, THE COURT SHALL PROVIDE OTHER SAFEGUARDS TO MINI-
19 MIZE THE VICTIM'S CONTACT WITH DEFENDANT, DEFENDANT'S RELATIVES,
20 AND DEFENSE WITNESSES DURING COURT PROCEEDINGS.

21 SEC. 59. BASED UPON THE VICTIM'S REASONABLE APPREHENSION OF
22 ACTS OR THREATS OF PHYSICAL VIOLENCE OR INTIMIDATION BY THE
23 DEFENDANT OR AT DEFENDANT'S DIRECTION AGAINST THE VICTIM OR THE
24 VICTIM'S IMMEDIATE FAMILY, THE PROSECUTOR MAY MOVE THAT THE
25 VICTIM OR ANY OTHER WITNESS NOT BE COMPELLED TO TESTIFY AT PRE-
26 TRIAL PROCEEDINGS OR AT TRIAL FOR PURPOSES OF IDENTIFYING THE
27 VICTIM AS TO THE VICTIM'S ADDRESS, PLACE OF EMPLOYMENT, OR OTHER

1 PERSONAL IDENTIFICATION WITHOUT THE VICTIM'S CONSENT. A HEARING
2 ON THE MOTION SHALL BE IN CAMERA.

3 SEC. 60. AN EXPEDITED TRIAL MAY BE SCHEDULED FOR ANY CASE
4 IN WHICH THE VICTIM IS AVERRED BY THE PROSECUTING ATTORNEY TO BE
5 A CHILD.

6 SEC. 61. UPON REQUEST OF THE VICTIM, THE PROSECUTING ATTOR-
7 NEY SHALL CONFER WITH THE VICTIM PRIOR TO THE TRIAL OF THE
8 DEFENDANT.

9 SEC. 62. THE VICTIM HAS THE RIGHT TO BE PRESENT THROUGHOUT
10 THE ENTIRE TRIAL OF THE DEFENDANT, UNLESS THE VICTIM IS GOING TO
11 BE CALLED AS A WITNESS. IF THE VICTIM IS GOING TO BE CALLED AS A
12 WITNESS, THE COURT MAY, FOR GOOD CAUSE SHOWN, ORDER THE VICTIM TO
13 BE SEQUESTERED UNTIL THE VICTIM FIRST TESTIFIES.

14 SEC. 63. AN EMPLOYER OR THE EMPLOYER'S AGENT, WHO THREATENS
15 TO DISCHARGE OR DISCIPLINE OR WHO DISCHARGES, DISCIPLINES, OR
16 CAUSES TO BE DISCHARGED FROM EMPLOYMENT OR TO BE DISCIPLINED A
17 VICTIM BECAUSE THAT VICTIM IS SUBPOENAED OR REQUESTED BY THE
18 PROSECUTING ATTORNEY TO ATTEND COURT FOR THE PURPOSE OF GIVING
19 TESTIMONY, IS GUILTY OF A MISDEMEANOR AND MAY BE PUNISHED FOR
20 CONTEMPT OF COURT.

21 SEC. 64. (1) THE PROSECUTING ATTORNEY, UPON AND IN ACCORD-
22 ANCE WITH THE REQUEST OF THE VICTIM, SHALL GIVE TO THE VICTIM
23 NOTICE OF THE FOLLOWING:

24 (A) THE DEFENDANT'S CONVICTION.

25 (B) THE CRIMES FOR WHICH THE DEFENDANT WAS CONVICTED.

26 (C) IF A PRESENTENCE INVESTIGATION REPORT IS TO BE PREPARED,
27 THE VICTIM'S RIGHT TO MAKE A WRITTEN OR ORAL IMPACT STATEMENT FOR

1 USE IN THE PREPARATION OF THE PRESENTENCE INVESTIGATION REPORT
2 CONCERNING THE DEFENDANT.

3 (D) THE ADDRESS AND TELEPHONE NUMBER OF THE PROBATION OFFICE
4 WHICH IS TO PREPARE THE PRESENTENCE INVESTIGATION REPORT.

5 (E) THAT A PRESENTENCE INVESTIGATION REPORT AND ANY STATE-
6 MENT OF THE VICTIM INCLUDED IN THE REPORT WILL BE MADE AVAILABLE
7 TO THE DEFENDANT UNLESS EXEMPTED FROM DISCLOSURE BY THE COURT.

8 (F) THE VICTIM'S RIGHT TO MAKE AN IMPACT STATEMENT AT
9 SENTENCING.

10 (G) THE TIME AND PLACE OF THE SENTENCING PROCEEDING.

11 (H) A BRIEF EXPLANATION IN PLAIN ENGLISH OF THE APPEAL PRO-
12 CESS, INCLUDING THE POSSIBLE DISPOSITIONS.

13 (I) THE RELEASE OF THE DEFENDANT PENDING AN APPEAL.

14 (J) THE FINAL DISPOSITION OF AN APPEAL BY THE DEFENDANT.

15 (2) THE NOTICE GIVEN BY THE PROSECUTING ATTORNEY TO THE
16 VICTIM MUST BE GIVEN BY ANY MEANS REASONABLY CALCULATED TO GIVE
17 PROMPT ACTUAL NOTICE.

18 (3) A NOTICE GIVEN UNDER SUBSECTION (1) SHALL INFORM THE
19 VICTIM THAT HIS OR HER IMPACT STATEMENT MAY INCLUDE BUT SHALL NOT
20 BE LIMITED TO THE FOLLOWING:

21 (A) AN EXPLANATION OF THE NATURE AND EXTENT OF ANY PHYSICAL,
22 PSYCHOLOGICAL, OR EMOTIONAL HARM OR TRAUMA SUFFERED BY THE
23 VICTIM.

24 (B) AN EXPLANATION OF THE EXTENT OF ANY ECONOMIC LOSS OR
25 PROPERTY DAMAGE SUFFERED BY THE VICTIM.

1 (C) AN OPINION OF THE NEED FOR AND EXTENT OF RESTITUTION AND
2 WHETHER THE VICTIM HAS APPLIED FOR OR RECEIVED COMPENSATION FOR
3 LOSS OR DAMAGE.

4 (D) THE VICTIM'S RECOMMENDATION FOR AN APPROPRIATE
5 SENTENCE.

6 SEC. 65. IF A PRESENTENCE INVESTIGATION REPORT CONCERNING
7 THE DEFENDANT IS PREPARED, THE VICTIM HAS THE RIGHT TO SUBMIT OR
8 MAKE A WRITTEN OR ORAL IMPACT STATEMENT TO THE PROBATION OFFICER
9 FOR USE BY THAT OFFICER IN PREPARING THE REPORT PURSUANT TO SEC-
10 TION 14 OF CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, ACT
11 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 771.14 OF THE
12 MICHIGAN COMPILED LAWS. A VICTIM'S WRITTEN STATEMENT SHALL, UPON
13 THE VICTIM'S REQUEST, BE INCLUDED IN THE PRESENTENCE INVESTIGA-
14 TION REPORT.

15 SEC. 66. IF NO PRESENTENCE REPORT IS PREPARED, THE VICTIM
16 SHALL HAVE THE RIGHT TO SUBMIT A WRITTEN IMPACT STATEMENT AT THE
17 SENTENCING OF THE DEFENDANT. THE COURT SHALL REVIEW THIS STATE-
18 MENT BEFORE IMPOSING SENTENCE ON THE DEFENDANT.

19 SEC. 67. THE VICTIM SHALL HAVE THE RIGHT TO APPEAR AND MAKE
20 AN ORAL IMPACT STATEMENT AT THE SENTENCING OF THE DEFENDANT.

21 SEC. 68. THE COURT SHALL NOTIFY THE PROSECUTOR OF THE DATE
22 AND TIME OF SENTENCING AT LEAST 10 DAYS PRIOR TO THE SENTENCING.

23 SEC. 69. FOR ANY POST-APPEAL COURT PROCEEDINGS, THE VICTIM
24 SHALL HAVE THE SAME RIGHTS REQUESTED FOR THE PROCEEDINGS AGAINST
25 THE DEFENDANT LEADING TO THE APPEAL.

26 SEC. 70. (1) AS USED IN THIS SECTION:

1 (A) "VICTIM" MEANS AN INDIVIDUAL WHO SUFFERS ACTUAL
2 FINANCIAL LOSS OR EXPENSE AS A RESULT OF THE COMMISSION OF A
3 MISDEMEANOR, AND FOR PURPOSES OF SUBSECTIONS (2), (3), (4), (6),
4 (8), (9), (10), AND (14), VICTIM INCLUDES A SOLE PROPRIETORSHIP,
5 PARTNERSHIP, OR CORPORATION.

6 (B) "MISDEMEANOR" MEANS A VIOLATION OF A LAW OF THIS STATE,
7 OR OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW OF
8 THIS STATE, THAT IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
9 1 YEAR OR BY A FINE THAT IS NOT A CIVIL FINE, BUT IS NOT A FELONY
10 OR A VIOLATION OF AN ORDER, RULE, OR REGULATION OF A STATE
11 AGENCY.

12 (2) THE COURT, WHEN SENTENCING A DEFENDANT CONVICTED OF A
13 MISDEMEANOR, MAY ORDER, IN ADDITION TO OR IN LIEU OF ANY OTHER
14 PENALTY AUTHORIZED BY LAW, OR IN ADDITION TO ANY OTHER PENALTY
15 REQUIRED BY LAW, THAT THE DEFENDANT MAKE RESTITUTION TO ANY
16 VICTIM OF THE DEFENDANT'S COURSE OF CONDUCT THAT GIVES RISE TO
17 THE CONVICTION OR TO THE VICTIM'S ESTATE.

18 (3) IF THE COURT DOES NOT ORDER RESTITUTION, OR ORDERS ONLY
19 PARTIAL RESTITUTION UNDER THIS SECTION, THE COURT SHALL STATE ON
20 THE RECORD THE REASONS FOR THAT ACTION.

21 (4) IF A MISDEMEANOR RESULTS IN DAMAGE TO OR LOSS OR
22 DESTRUCTION OF PROPERTY OF A VICTIM OF THE OFFENSE, THE ORDER OF
23 RESTITUTION MAY REQUIRE THAT THE DEFENDANT DO EITHER OF THE
24 FOLLOWING:

25 (A) RETURN THE PROPERTY TO THE OWNER OF THE PROPERTY OR TO A
26 PERSON DESIGNATED BY THE OWNER.

1 (B) IF RETURN OF THE PROPERTY UNDER SUBDIVISION (A) IS
2 IMPOSSIBLE, IMPRACTICAL, OR INADEQUATE, PAY AN AMOUNT EQUAL TO
3 THE GREATER OF SUBPARAGRAPHS (i) OR (ii), LESS THE VALUE, DETER-
4 MINED AS OF THE DATE THE PROPERTY IS RETURNED, OF THAT PROPERTY
5 OR ANY PART OF THE PROPERTY THAT IS RETURNED:

6 (i) THE VALUE OF THE PROPERTY ON THE DATE OF THE DAMAGE,
7 LOSS, OR DESTRUCTION.

8 (ii) THE VALUE OF THE PROPERTY ON THE DATE OF SENTENCING.

9 (5) IF A MISDEMEANOR RESULTS IN PHYSICAL INJURY TO A VICTIM,
10 THE ORDER OF RESTITUTION MAY REQUIRE THAT THE DEFENDANT DO 1 OR
11 MORE OF THE FOLLOWING, AS APPLICABLE:

12 (A) PAY AN AMOUNT EQUAL TO THE COST OF THE VICTIM'S ACTUAL
13 MEDICAL AND RELATED PROFESSIONAL SERVICES AND DEVICES RELATING TO
14 THE PHYSICAL CARE.

15 (B) PAY AN AMOUNT EQUAL TO THE COST OF THE VICTIM'S ACTUAL
16 PHYSICAL AND OCCUPATIONAL THERAPY AND REHABILITATION.

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 OFFENSE.

20 (6) INSTEAD OF RESTITUTION UNDER SUBSECTIONS (4) AND (5), IF
21 THE VICTIM OR VICTIM'S ESTATE CONSENTS, THE ORDER OF RESTITUTION
22 MAY REQUIRE THAT THE DEFENDANT MAKE RESTITUTION IN SERVICES IN
23 LIEU OF MONEY, OR MAKE RESTITUTION TO A PERSON DESIGNATED BY THE
24 VICTIM OR VICTIM'S ESTATE IF THAT PERSON PROVIDED SERVICES TO THE
25 VICTIM AS A RESULT OF THE MISDEMEANOR.

1 (7) IF THE COURT ORDERS RESTITUTION UNDER THIS SECTION, THE
2 COURT SHALL, IF THE VICTIM IS DECEASED, ORDER THAT THE
3 RESTITUTION BE MADE TO THE VICTIM'S ESTATE.

4 (8) ANY ORDER OF RESTITUTION SHALL BE AS FAIR AS POSSIBLE TO
5 THE VICTIM OR VICTIM'S ESTATE WITHOUT UNDULY COMPLICATING OR PRO-
6 LONGING THE SENTENCING PROCESS.

7 (9) THE COURT SHALL NOT ORDER RESTITUTION WITH RESPECT TO A
8 LOSS FOR WHICH THE VICTIM OR VICTIM'S ESTATE HAS RECEIVED OR IS
9 TO RECEIVE COMPENSATION, INCLUDING INSURANCE, EXCEPT THAT THE
10 COURT MAY, IN THE INTEREST OF JUSTICE, ORDER RESTITUTION TO THE
11 CRIME VICTIMS COMPENSATION BOARD OR TO ANY PERSON WHO HAS COMPEN-
12 SATED THE VICTIM OR VICTIM'S ESTATE FOR SUCH A LOSS TO THE EXTENT
13 THAT THE CRIME VICTIMS COMPENSATION BOARD OR THE PERSON PAID THE
14 COMPENSATION. AN ORDER OF RESTITUTION SHALL REQUIRE THAT ALL
15 RESTITUTION TO A VICTIM OR VICTIM'S ESTATE UNDER THE ORDER BE
16 MADE BEFORE ANY RESTITUTION TO ANY OTHER PERSON UNDER THAT ORDER
17 IS MADE.

18 (10) ANY AMOUNT PAID TO A VICTIM OR VICTIM'S ESTATE UNDER AN
19 ORDER OF RESTITUTION SHALL BE SET OFF AGAINST ANY AMOUNT LATER
20 RECOVERED AS COMPENSATORY DAMAGES BY THE VICTIM OR THE VICTIM'S
21 ESTATE IN ANY FEDERAL OR STATE CIVIL PROCEEDING AND SHALL REDUCE
22 THE AMOUNT PAYABLE TO A VICTIM OR A VICTIM'S ESTATE BY AN AWARD
23 FROM THE CRIME VICTIMS COMPENSATION BOARD MADE AFTER AN ORDER OF
24 RESTITUTION UNDER THIS SECTION.

25 (11) IF NOT OTHERWISE PROVIDED BY THE COURT UNDER THIS SUB-
26 SECTION, RESTITUTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE

1 COURT MAY REQUIRE THAT THE DEFENDANT MAKE RESTITUTION UNDER THIS
2 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

3 (12) IN DETERMINING THE AMOUNT OF RESTITUTION, THE COURT
4 SHALL CONSIDER THE DEFENDANT'S EARNING ABILITY, FINANCIAL
5 RESOURCES, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT MAY HAVE A
6 BEARING ON THE DEFENDANT'S ABILITY TO PAY.

7 SEC. 71. UPON THE REQUEST OF A VICTIM, THE PROSECUTING
8 ATTORNEY SHALL, WITHIN 30 DAYS AFTER THE FINAL DISPOSITION OF THE
9 CASE, NOTIFY THE VICTIM IN WRITING OF THE FINAL DISPOSITION OF
10 THE CASE.

11 SEC. 72. UPON THE WRITTEN REQUEST OF THE VICTIM, THE SHER-
12 IFF SHALL NOTIFY THE VICTIM OF THE EARLIEST POSSIBLE RELEASE DATE
13 OF THE DEFENDANT IF THE DEFENDANT IS SENTENCED TO MORE THAN
14 92 DAYS' IMPRISONMENT. THE VICTIM'S WRITTEN REQUEST FOR NOTICE
15 UNDER THIS SECTION SHALL INCLUDE THE VICTIM'S ADDRESS.

16 SEC. 73. A VICTIM'S ADDRESS AND TELEPHONE NUMBER MAINTAINED
17 BY A SHERIFF IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF
18 INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF 1976, BEING
19 SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED LAWS.

20 SEC. 74. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED AS CRE-
21 ATING A CAUSE OF ACTION FOR MONEY DAMAGES AGAINST THE STATE, A
22 COUNTY, A MUNICIPALITY OR ANY OF THEIR AGENCIES, INSTRUMENTALI-
23 TIES, OR EMPLOYEES.

24 SEC. 75. THE FAILURE TO PROVIDE A RIGHT, PRIVILEGE, OR
25 NOTICE TO A VICTIM UNDER THIS CHAPTER SHALL NOT BE GROUNDS FOR
26 THE DEFENDANT TO SEEK TO HAVE THE CONVICTION OR SENTENCE SET
27 ASIDE.

1 SEC. 76. (1) THIS CHAPTER SHALL TAKE EFFECT UPON THE
2 EXPIRATION OF 90 DAYS AFTER THE DATE THIS CHAPTER IS ENACTED INTO
3 LAW.

4 (2) THIS CHAPTER SHALL APPLY ONLY TO MISDEMEANORS COMMITTED
5 ON OR AFTER THE EFFECTIVE DATE OF THIS CHAPTER.