



# SENATE BILL No. 1116

April 27, 1994, Introduced by Senators STABENOW, MILLER,  
BERRYMAN, KOIVISTO, VAUGHN, POLLACK, CONROY and O'BRIEN  
and referred to the Committee on Judiciary

A bill to amend sections 6, 36, and 66 of Act No 87 of the  
Public Acts of 1985, entitled as amended

"Crimes victim's rights act,"

as amended by Act No 341 of the Public Acts of 1993, being  
sections 780 756, 780 786, and 780 816 of the Michigan Compiled  
Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 6, 36, and 66 of Act No 87 of the  
2 Public Acts of 1985, as amended by Act No 341 of the Public Acts  
3 of 1993, being sections 780 756, 780 786, and 780 816 of the  
4 Michigan Compiled Laws, are amended to read as follows

5 Sec 6 (1) Not later than 7 days after the arraignment of  
6 the defendant for a crime, but not less than 24 hours before a  
7 preliminary examination, the prosecuting attorney shall give to

1 each victim a written notice in plain English of each of the  
2 following

3 (a) A brief statement of the procedural steps in the pro-  
4 cessing of a criminal case

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

7 (c) Details and eligibility requirements under Act No 223  
8 of the Public Acts of 1976, being sections 18 351 to 18 368 of  
9 the Michigan Compiled Laws

10 (d) Suggested procedures if the victim is subjected to  
11 threats or intimidation

12 (e) The person to contact for further information

13 (2) If requested by the victim, the prosecuting attorney  
14 shall give to the victim notice of any scheduled court proceed-  
15 ings and notice of any changes in that schedule

16 (3) Before finalizing any negotiation that may result in a  
17 dismissal, plea or sentence bargain or pretrial diversion, the  
18 prosecuting attorney shall offer the victim the opportunity to  
19 consult with the prosecuting attorney to obtain the VICTIM'S  
20 views ~~of the victim~~ about the disposition of the prosecution  
21 for the crime, including the victim's views about dismissal, plea  
22 or sentence negotiations, and pretrial diversion programs  
23 BEFORE ENTERING A DISMISSAL OR ACCEPTING A PLEA OR SENTENCE BAR-  
24 GAIN RESULTING FROM A NEGOTIATION, THE COURT SHALL DETERMINE ON  
25 THE RECORD WHETHER THE PROSECUTING ATTORNEY CONSULTED WITH THE  
26 VICTIM PURSUANT TO THIS SUBSECTION AND THE SUBSTANCE OF THE  
27 VICTIM'S VIEWS ON THE DISMISSAL OR PLEA OR SENTENCE BARGAIN

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 article shall keep the following persons informed of the victim's  
4 current address and telephone number

5 (a) The prosecuting attorney, until final disposition or  
6 completion of the appellate process, whichever occurs later

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

9 (c) The department of social services if the defendant is  
10 held in a juvenile facility

11 Sec 36 (1) Within 72 hours after the prosecuting attorney  
12 files or submits a petition seeking to invoke the court's juris-  
13 diction for a juvenile offense, the prosecuting attorney or, pur-  
14 suant to an agreement under section 48a, the court shall give to  
15 each victim a written notice in plain English of each of the  
16 following

17 (a) A brief statement of the procedural steps in the pro-  
18 cessing of a juvenile offense case, including the fact that a  
19 juvenile may be 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) 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 requested by the victim, the prosecuting attorney or,  
3 pursuant to an agreement under section 48a, the court shall give  
4 to the victim notice of any scheduled court proceedings and  
5 notice of any changes in that schedule

6 (3) If the juvenile has not already entered a plea of admis-  
7 sion or no contest to the original charge at the preliminary  
8 hearing, the prosecuting attorney shall offer the victim the  
9 opportunity to consult with the prosecuting attorney to obtain  
10 the victim's views about the disposition of the offense, includ-  
11 ing the victim's views about dismissal, waiver, and pretrial  
12 diversion programs, before finalizing any agreement to reduce the  
13 original charge BEFORE ENTERING A DISMISSAL OR WAIVER RESULTING  
14 FROM AN AGREEMENT, THE COURT SHALL DETERMINE ON THE RECORD  
15 WHETHER THE PROSECUTING ATTORNEY CONSULTED WITH THE VICTIM PURSU-  
16 ANT TO THIS SUBSECTION AND THE SUBSTANCE OF THE VICTIM'S VIEWS ON  
17 THE DISMISSAL OR WAIVER

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

25 (a) "Crime" means that term as defined in section 2

26 (b) "Serious misdemeanor" means that term as defined in  
27 section 61

1       (5) The victim who receives a notice under subsection (1)  
2 and who chooses to receive any other notice or notices under this  
3 article shall keep the following persons informed of the victim's  
4 current address and telephone number

5       (a) The prosecuting attorney, or the court if the prosecut-  
6 ing attorney and the court have entered into an agreement under  
7 section 48a

8       (b) If the juvenile is made a ward of the state, the depart-  
9 ment of social services

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

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

26       (b) A specific list of the rights and procedures under this  
27 article

1 (c) Details and eligibility requirements under Act No 223  
2 of the Public Acts of 1976 being sections 18 351 to 18 368 of  
3 the Michigan Compiled Laws

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

6 (e) The person to contact for further information

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

10 (3) If the defendant has not already entered a plea of  
11 guilty or nolo contendere at the arraignment, the prosecuting  
12 attorney shall offer the victim the opportunity to consult with  
13 the prosecuting attorney to obtain the VICTIM'S ~~views of the~~  
14 ~~victim~~ about the disposition of the serious misdemeanor, includ-  
15 ing the victim's views about dismissal plea or sentence negotia-  
16 tions and pretrial diversion programs before finalizing any  
17 negotiation that may result in a dismissal plea or sentence bar-  
18 gain or pretrial diversion BEFORE ENTERING A DISMISSAL OR  
19 ACCEPTING A PLEA OR SENTENCE BARGAIN RESULTING FROM A NEGOTIA-  
20 TION THE COURT SHALL DETERMINE ON THE RECORD WHETHER THE PROSE-  
21 CUTING ATTORNEY CONSULTED WITH THE VICTIM PURSUANT TO THIS SUB-  
22 SECTION AND THE SUBSTANCE OF THE VICTIM'S VIEWS ON THE DISMISSAL  
23 OR PLEA OR SENTENCE BARGAIN

24 (4) If the case against the defendant is dismissed at any  
25 time, the prosecuting attorney shall notify the victim of the  
26 dismissal within 48 hours

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

5       (a) The prosecuting attorney, until final disposition or  
6 completion of the appellate process, whichever occurs later

7       (b) The sheriff, if the defendant is imprisoned for more  
8 than 92 days