

HOUSE BILL No. 5800

August 15, 2012, Introduced by Reps. Brunner, Greimel, Dillon, Ananich, Smiley and Kandrevas 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 19 and 21 (MCL 780.769 and 780.771), as
amended by 2005 PA 184.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Upon the victim's written request, the sheriff or
2 the department of corrections 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 or the
5 department for the crime against that victim:

6 (a) Within 30 days after the request, notice of the sheriff's
7 calculation of the prisoner's earliest release date or the
8 department's calculation of the prisoner's earliest parole
9 eligibility date, with all potential good time or disciplinary

1 credits considered, if the sentence of imprisonment exceeds 90
2 days.

3 (b) Notice of the prisoner's transfer or pending transfer to a
4 minimum security facility and the facility's address.

5 (c) Notice of the prisoner's release or pending release in a
6 community residential program or under furlough; any other transfer
7 to community status; any transfer from 1 community residential
8 program or electronic monitoring program to another; or any
9 transfer from a community residential program or electronic
10 monitoring program to a state correctional facility.

11 (d) Notice of the escape of the person accused, convicted, or
12 imprisoned for committing a crime against the victim, as provided
13 in section 20.

14 (e) Notice of the victim's right to **REVIEW ALL DOCUMENTS,**
15 **RECORDS, AND REPORTS SUBMITTED TO THE PAROLE BOARD FOR**
16 **CONSIDERATION REGARDING THE PRISONER'S RELEASE ON PAROLE, AND TO**
17 address or submit a written statement for consideration by a parole
18 board member or a member of any other panel having authority over
19 the prisoner's 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, after
22 a parole review, as provided in section 21.

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

26 (h) Notice of a public hearing under section 44 of the
27 corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a

1 reprieve, commutation, or pardon of the prisoner's sentence by the
2 governor.

3 (i) Notice that a reprieve, commutation, or pardon has been
4 granted.

5 (j) Notice that a prisoner has had his or her name legally
6 changed while on parole or within 2 years after release from
7 parole.

8 (k) Notice that a prisoner has been convicted of a new crime.

9 (l) Notice that a prisoner has been returned from parole status
10 to a correctional facility due to an alleged violation of the
11 conditions of his or her parole.

12 (2) A victim's address and telephone number maintained by a
13 sheriff or the department of corrections upon a request for notice
14 under this section are exempt from disclosure under the freedom of
15 information act, 1976 PA 442, MCL 15.231 to 15.246.

16 Sec. 21. (1) A victim has the right to **REVIEW ALL DOCUMENTS,**
17 **RECORDS, AND REPORTS SUBMITTED TO THE PAROLE BOARD FOR**
18 **CONSIDERATION REGARDING THE PRISONER'S RELEASE ON PAROLE, AS SET**
19 **FORTH IN SECTION 35(12) OF THE CORRECTIONS CODE OF 1953, 1953 PA**
20 **232, MCL 791.235, AND TO** address or submit a written statement for
21 consideration by a parole board member or a member of any other
22 panel having authority over the prisoner's release on parole.

23 (2) Not less than 30 days before a review of the prisoner's
24 release, a victim who has requested notice under section 19(1)(f)
25 shall be given written notice by the department of corrections
26 informing the victim of the pending review and of victims' rights
27 under this section. The victim, at his or her own expense, may be

1 represented by counsel at the review.

2 (3) A victim shall receive notice of the decision of the board
3 or panel and, if applicable, notice of the date of the prisoner's
4 release on parole. Notice shall be mailed within a reasonable time
5 after the board or panel reaches its decision but not later than 14
6 days after the board or panel has reached its decision. The notice
7 shall include a statement of the victim's right to appeal a parole
8 decision, as allowed under section 34 of the corrections code of
9 1953, 1953 PA 232, MCL 791.234.

10 (4) A record of an oral statement or a written statement made
11 under subsection (1) is exempt from disclosure under the freedom of
12 information act, 1976 PA 442, MCL 15.231 to 15.246.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No.____ or House Bill No.____ (request no.
15 05217'12) of the 96th Legislature is enacted into law.