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House Bill 4420 (as passed by the House)
House Bill 4421 (as passed by the House)
House Bill 4422 (as passed by the House)
House Bill 4423 (as passed by the House)
Sponsor: Representative Julie M. Rogers (H.B. 4420)
Representative Stephanie A. Young (H.B. 4421)
Representative Graham Filler (H.B. 4422)
Representative Greg VanWoerkom (H.B. 4423)
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 9-20-23

CONTENT

House Bill 4420 would amend the Code of Criminal Procedure to allow a police officer or prosecuting attorney to provide a domestic or sexual violence service provider with certain information to facilitate contact with a victim of domestic or sexual violence for the purpose of offering supportive services to the victim.

House Bill 4421 would amend the Crime Victim's Rights Act to allow pictures, photographs, drawings, or other visual representations of a crime victim already exempted under the Freedom of Information Act (FOIA) to be blurred if they were from a court proceeding and were made available to the public through streaming on the internet or other means.

House Bill 4422 would amend the Crime Victim's Rights Act to add specified crimes to the definition of "serious misdemeanor", effective January 1, 2024.

House Bill 4423 would amend the Crime Victim's Rights Act to allow a victim to remotely provide an oral impact statement at a disposition or sentencing.

House Bill 4420

The bill would amend the Code of Criminal Procedure to allow a police officer or prosecuting attorney to provide a domestic or sexual violence service provider agency the name, demographics, and other pertinent information of a victim of domestic or sexual violence for the purpose of offering supportive services to the victim. If a police officer or prosecuting attorney provided such information to a domestic service provider, that police officer or prosecuting attorney would have to notify the victim that such information was provided. The bill would prohibit a police officer or prosecuting attorney from disclosing a confidential address.

"Domestic or sexual violence service provider agency" would mean an agency that receives funding from the Department of Health and Human Services (DHHS) division of victim services to provide confidential supportive services to victims of domestic or sexual violence, receives a federal grant through the United States Department of Justice to provide confidential supportive services to victims of domestic or sexual violence, or is associated with an Indian tribe and is providing confidential supportive services to victims of domestic or sexual violence.

"Confidential address" would mean the address of a certified individual in the Address Confidentiality Program as specified on an application to be a program participant or on a notice of change of information form that is classified by the Department of the Attorney General.

The police officer or prosecuting attorney also would have to comply with any other requirement under law to provide notice or information to a victim of domestic or sexual violence, including Section 15c of Chapter IV (Arrest) of the Code, Section 3 of the Crime Victim Rights Act, and Section 3 of the Sexual Assault Victim's Access to Justice Act.

(Generally, Section 15c of Chapter IV of the Code requires a police officer to provide the victim with a written notice that includes the police agency's name and telephone number, the police officer's badge number, and specific statements about the rights and services available to the victim.

Section 3 of the Crime Victim Rights Act requires a law enforcement agency to give a victim of a reported serious misdemeanor information pertaining to the availability of emergency and medical services, the availability of compensation benefits and address of crime victims' compensation board, the address and telephone number of a prosecuting attorney, and certain notification statements within 24 after the initial contact.

Section 3 of the Sexual Assault Victim's Access to Justice Act requires a law enforcement agency to give a sexual assault victim a written copy or access to information such as contact information for a local community-based sexual assault services program and notice that the victim may have a sexual assault evidence kit administered free of charge and without participation in the criminal justice system.)

House Bill 4421

Currently, the Crime Victim's Rights Act exempts pictures, photographs, drawings, or other visual representations of a victim, including a film, videotape, or digitally stored image from disclosure under FOIA. Under the bill, if the visual representations described above were from a court proceeding and were made available to the public through streaming on the internet or other means, they could be blurred.

House Bill 4422

Generally, the Crime Victim's Rights Act defines "serious misdemeanor" as assault, breaking and entering, fourth degree child abuse, neglect of a minor, illegal use of a firearm, indecent exposure, stalking, injuring a worker in a work zone, leaving the scene of an accident, operating a vehicle while intoxicated, and providing alcohol to a minor. Under the bill, the term also would include the following violations:

- A violation of Section 81c of the Michigan Penal Code, threatening a Department of Health and Human Services (DHHS) employee with physical harm.
- A violation of Section 174a(2) or (3)(b) of the Code, embezzlement from a vulnerable adult of an amount of less than \$200.
- A violation of Section 174a(3)(a) of the Code, embezzlement from a vulnerable adult of an amount of \$200 to \$1,000.
- A violation of Section 601d(1) of the Code, moving violation causing death.
- A violation of Section 601d(2) of the Code, moving violation causing serious impairment of a body function.

These additions to the definition would begin January 1, 2024.

House Bill 4423

The Crime Victim's Rights Act allows a victim to appear in court and make an oral impact statement at the sentencing of the defendant or at the disposition or sentencing of a juvenile. If the victim is physically or emotionally unable to make the oral impact statement, the victim may designate any other person 18 years of age or older who is neither the defendant nor incarcerated to make the statement on the victim's behalf. The other person does not need to be an attorney. The bill would allow the victim to remotely provide the oral impact statement.

Proposed MCL 760.21b (H.B. 4420)
MCL 780.758 et al. (H.B. 4421)
MCL 780.811 & 780.811a (H.B. 4422)
MCL 780.765 et al. (H.B. 4423)

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

House Bill 4420 is a reintroduction of House Bill 5560 of the 2021-2022 Legislative Session. House Bill 4421 is a reintroduction of House Bill 5680 of the 2021-2022 Legislative Session. House Bill 4422 is a reintroduction of House Bill 5679 of the 2021-2022 Legislative Session. House Bill 4423 is a reintroduction of House Bill 5681 of the 2021-2022 Legislative Session. All four bills from last session passed the House but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

House Bill 4420

The bill would have no fiscal impact on the State Court Administrative Office or local courts.

House Bill 4421

The bill could require local court system to acquire and apply software so that victim images could be blurred during remote hearings. The bill would be permissive, so it is not certain that any particular court system would incur this expense; those that do could have IT costs.

House Bill 4422

The bill would not have a fiscal impact on State judicial administration. Local government jails could see an increase in jail times and sentences, as classifying more offenses as serious misdemeanors would likely increase jail sentences and sentence durations for convictions.

House Bill 4423

The bill would have no fiscal impact on State judicial administration or local court systems.

Fiscal Analysts: Michael Siracuse, Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.