

**SUBSTITUTE FOR
HOUSE BILL NO. 5080**

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 2012 PA 564.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19. (1) Upon the written request of any individual who
2 was a victim of the defendant's course of conduct that gave rise to
3 the conviction, the sheriff or the department of corrections shall
4 mail to that victim the following, as applicable, about a prisoner
5 who has been sentenced to imprisonment under the jurisdiction of
6 the sheriff or the department for that crime:

7 (a) Within 30 days after the request, notice of the sheriff's
8 calculation of the prisoner's earliest release date or the
9 department's calculation of the prisoner's earliest parole
10 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 that the person accused, convicted, or imprisoned
12 for committing a crime against the victim has escaped from custody,
13 as provided in section 20.

14 (e) Notice of ~~both~~ **ALL** of the following:

15 (i) The victim's right to address or submit a written
16 statement for consideration by a parole board member or a member of
17 any other panel having authority over the prisoner's release on
18 parole during the time the prisoner's release on parole or
19 commutation of sentencing is being considered, as provided in
20 section 21.

21 (ii) The victim's right to address the parole board and to
22 present exhibits or other photographic or documentary information
23 to the parole board including at a commutation hearing, **AS PROVIDED**
24 **IN SECTION 21. THE PAROLE BOARD SHALL GRANT A VICTIM'S REQUEST TO**
25 **ADDRESS THE PAROLE BOARD AND PRESENT EVIDENCE MADE UNDER SECTION**
26 **21.**

27 (iii) **THE VICTIM'S RIGHT TO SUBMIT A WRITTEN REQUEST THAT HE**

1 OR SHE BE ALLOWED TO ADDRESS THE PAROLE BOARD AND PRESENT EXHIBITS
2 OR OTHER PHOTOGRAPHIC OR DOCUMENTARY EVIDENCE TO THE PAROLE BOARD
3 IN CASES IN WHICH A PRISONER IS BEING CONSIDERED FOR PAROLE UNDER
4 SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, MCL 791.235, MADE
5 UNDER SECTION 21. THE PAROLE BOARD SHALL GRANT A VICTIM'S REQUEST
6 TO ADDRESS THE PAROLE BOARD AND PRESENT EVIDENCE IN CASES IN WHICH
7 A PRISONER IS BEING CONSIDERED FOR PAROLE UNDER SECTION 35(10) OF
8 THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.235, MADE UNDER
9 SECTION 21.

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

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

16 (h) Notice that the prisoner has applied for a reprieve,
17 commutation, or pardon and the parole board has decided to consider
18 the application.

19 (i) Notice of a public hearing under section 44 of the
20 corrections code of 1953, 1953 PA 232, MCL 791.244, regarding a
21 reprieve, commutation, or pardon of the prisoner's sentence by the
22 governor.

23 (j) Notice that a reprieve, commutation, or pardon has been
24 granted or denied upon conclusion of a public hearing.

25 (k) Notice that a prisoner has had his or her name legally
26 changed while on parole or within 2 years after release from
27 parole.

1 (l) Notice that a prisoner has been convicted of a new crime.

2 (m) Notice that a prisoner has been returned from parole
3 status to a correctional facility due to an alleged violation of
4 the conditions of his or her parole.

5 (n) Notice that the prisoner, including a parolee, has died.
6 However, the notification requirements of this subdivision apply to
7 the death of a parolee only if the department is aware that the
8 parolee has died.

9 (2) A victim's address and telephone number maintained by a
10 sheriff or the department of corrections upon a request for notice
11 under this section are exempt from disclosure under the freedom of
12 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
13 be released.

14 Sec. 21. (1) A victim has the right to do ~~both~~ **ALL** of the
15 following:

16 (a) To address or submit a written statement for consideration
17 by a parole board member or a member of any other panel having
18 authority over the prisoner's release on parole during the time the
19 prisoner's release on parole or commutation of sentencing is being
20 considered.

21 (b) To address the parole board and to present exhibits or
22 other photographic or documentary information to the parole board
23 including at a commutation hearing. **THE PAROLE BOARD SHALL GRANT**
24 **REQUESTS MADE UNDER THIS SUBDIVISION.**

25 (C) **IN CASES IN WHICH A PRISONER IS BEING CONSIDERED FOR**
26 **PAROLE UNDER SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, 1953**
27 **PA 232, MCL 791.235, WITHIN 30 DAYS OF RECEIVING THE NOTICE**

1 REQUIRED UNDER SECTION 19, OR IN CASES IN WHICH A VICTIM DID NOT
2 REQUEST TO RECEIVE THE NOTICE REQUIRED UNDER SECTION 19 OR
3 OTHERWISE DOES NOT RECEIVE THE NOTICE REQUIRED UNDER SECTION 19 BUT
4 BECOMES AWARE THAT A PRISONER IS BEING CONSIDERED FOR PAROLE UNDER
5 SECTION 35(10) OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL
6 791.235, A VICTIM MAY SUBMIT A WRITTEN REQUEST THAT HE OR SHE BE
7 ALLOWED TO ADDRESS THE PAROLE BOARD AND PRESENT EXHIBITS OR OTHER
8 PHOTOGRAPHIC OR DOCUMENTARY EVIDENCE TO THE PAROLE BOARD. THE
9 PAROLE BOARD SHALL GRANT REQUESTS MADE UNDER THIS SUBDIVISION.

10 (2) Not less than 30 days before a review of the prisoner's
11 release, a victim who has requested notice under section 19(1)(f)
12 shall be given written notice by the department of corrections
13 informing the victim of the pending review and of victims' rights
14 under this section. The victim, at his or her own expense, may be
15 represented by counsel at the review.

16 (3) A victim shall receive notice of the decision of the board
17 or panel and, if applicable, notice of the date of the prisoner's
18 release on parole. Notice shall be mailed within a reasonable time
19 after the board or panel reaches its decision but not later than 14
20 days after the board or panel has reached its decision. The notice
21 shall include a statement of the victim's right to appeal a parole
22 decision, as ~~allowed~~ **PERMITTED** under section 34 of the corrections
23 code of 1953, 1953 PA 232, MCL 791.234.

24 (4) A record of an oral statement or a written statement made
25 under subsection (1) is exempt from disclosure under the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not
27 be released.

1 Enacting section 1. This amendatory act does not take effect
2 unless all of the following bills of the 98th Legislature are
3 enacted into law:

4 (a) House Bill No. 5078.

5 (b) House Bill No. 5079.