

Legislative Analysis



VICTIM'S IMPACT STATEMENT

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Senate Bill 628

Sponsor: Sen. Tonya Schuitmaker

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 1-22-14

A SUMMARY OF SENATE BILL 628 AS PASSED BY THE SENATE 11-6-13

The bill would allow a parent to submit a victim's impact statement if the crime for which the child had been a victim occurred when the child was still a minor.

The William Van Regenmorter Crime Victim's Rights Act (CVRA) provides for the rights of the victim of a crime. Article 1 applies to a crime that is either designated by law a felony or is punishable by imprisonment for more than one year; Article 2 applies to a crime committed by a juvenile that, if convicted as an adult, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony; Article 3 applies to crimes designated as serious misdemeanors. The rights, which are the same in all three Articles, include the right to make an impact statement that will be included in the presentence investigation report and the right to make an oral impact statement when the offender is sentenced.

The definition of "victim" in each Article is also identical and the term means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, and includes, among others, an exception for a parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

Senate Bill 628 would amend Article 1 of the CVRA (MCL 780.752) to also include in the definition of "victim," the parent, guardian, or custodian of a victim who was less than 18 years of age at the time the crime had been committed, and who is neither the defendant nor incarcerated, if that parent, guardian, or custodian so chooses. This allows any of these individuals to also submit a victim's impact statement. [The bill does not similarly amend Articles 2 or 3.]

FISCAL IMPACT:

The bill would have no fiscal implications for state or local units of governments.

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