



Select Victims' Rights – Michigan

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Michigan and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Michigan see the companion resource: *Law Enforcement-Based Victim Services in Michigan: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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¹ This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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SELECT DEFINITIONS	Michigan Statutes
<p>William Van Regenmorter Crime Victim’s Rights Act: Article 1 Definitions.</p> <p>(1) Except as otherwise defined in this article, as used in this article:</p> <p>(a) “County juvenile agency” means that term as defined in section 2 of the county juvenile agency act, 1998 PA 518, MCL 45.622.</p> <p>(b) “Crime” means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law as a felony.</p> <p>(c) “Crime victim services commission” means that term as described in section 2 of 1976 PA 223, MCL 18.352.</p> <p>(d) “Defendant” means a person charged with, convicted of, or found not guilty by reason of insanity of committing a crime against a victim.</p> <p>(e) “Facility”, as used in sections 6, 13a, 19a, and 20 only, and not with reference to a juvenile facility, means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.</p> <p>(f) “Final disposition” means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of sentence by the court.</p> <p>(g) “Juvenile” means a person within the jurisdiction of the circuit court under section 606 of the revised judicature act of 1961, 1961 PA 236, MCL 600.606.</p> <p>(h) “Juvenile facility” means a county facility, institution operated as an agency of the county</p>	<p>Mich. Comp. Laws Ann. § 780.752(1).</p>

or the family division of circuit court, or an institution or agency described in the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to 803.309, to which a juvenile has been committed or in which a juvenile is detained.

(i) "Hospital" means that term as defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

(j) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(k) "Prisoner" means a person who has been convicted and sentenced to imprisonment or placement in a juvenile facility for having committed a crime or an act that would be a crime if committed by an adult against a victim.

(l) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, or a special prosecuting attorney.

(m) "Victim" means any of the following:

(i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime, except as provided in subparagraph (ii), (iii), (iv), or (v).

(ii) The following individuals other than the defendant if the victim is deceased, except as provided in subparagraph (v):

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.


(C) A parent of the deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of the deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(iii) A parent, guardian, or custodian of the victim, if the victim is less than 18 years of age,

<p>who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.</p> <p>(iv) A parent, guardian, or custodian of a victim who is mentally or emotionally unable to participate in the legal process if he or she is neither the defendant nor incarcerated.</p> <p>(v) For the purpose of submitting or making an impact statement only, if the victim as defined in subparagraph (i) is deceased, is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process, or consents to the designation as a victim of the following individuals other than the defendant:</p> <p>(A) The spouse of the victim.</p> <p>(B) A child of the victim if the child is 18 years of age or older.</p> <p>(C) A parent of the victim.</p> <p>(D) The guardian or custodian of a child of the victim if the child is less than 18 years of age.</p> <p>(E) A sibling of the victim.</p> <p>(F) A grandparent of the victim.</p> <p>(G) A guardian or custodian of the victim if the victim is less than 18 years of age at the time of the commission of the crime and that guardian or custodian is not incarcerated.</p> <p> These definitions apply to Article 1 of the William Van Regenmorter Crime Victim’s Rights Act, Mich. Comp. Laws Ann. §§ 780.571 to 780.775. This article applies to felonies committed by persons age 17 or older, and to juveniles at least 14 years old, but less than 17 years old, who are charged with certain serious felonies in the Criminal Division of Circuit Court. See Mich. Comp. Laws Ann. § 780.752(1)(b); <i>id</i> at § 780.752(1)(g). Many of the statutory provisions in this article are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>William Van Regenmorter Crime Victim’s Rights Act: Article 3 Definitions.</p> <p>(1) Except as otherwise defined in this article, as used in this article:</p> <p>(a) “Serious misdemeanor” means 1 or more of the following:</p> <p>(i) A violation of section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, assault</p>	<p>Mich. Comp. Laws Ann. § 780.811(1).</p>

and battery, including domestic violence.

(ii) A violation of section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a, assault; infliction of serious injury, including aggravated domestic violence.

(iii) A violation of section 115 of the Michigan penal code, 1931 PA 328, MCL 750.115, breaking and entering or illegal entry.

(iv) A violation of section 136b(7) of the Michigan penal code, 1931 PA 328, MCL 750.136b, child abuse in the fourth degree.

(v) A violation of section 145 of the Michigan penal code, 1931 PA 328, MCL 750.145, contributing to the neglect or delinquency of a minor.

(vi) A misdemeanor violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, using the internet or a computer to make a prohibited communication.

(vii) A violation of section 233 of the Michigan penal code, 1931 PA 328, MCL 750.233, intentionally aiming a firearm without malice.

(viii) A violation of section 234 of the Michigan penal code, 1931 PA 328, MCL 750.234, discharge of a firearm intentionally aimed at a person.

(ix) A violation of section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235, discharge of an intentionally aimed firearm resulting in injury.

(x) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(xi) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, stalking.

(xii) A violation of section 601b(2) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b, injuring a worker in a work zone.

(xiii) A violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal injury accident.

(xiv) A violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual.


(xv) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual.


<p>(xvi) A violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual.</p> <p>(xvii) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (i) to (xvi).</p> <p>(xviii) A violation charged as a crime or serious misdemeanor enumerated in subparagraphs (i) to (xvii) but subsequently reduced to or pleaded to as a misdemeanor. As used in this subparagraph, "crime" means that term as defined in section 2.¹</p> <p>(b) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352.</p> <p>(c) "Defendant" means a person charged with or convicted of having committed a serious misdemeanor against a victim.</p> <p>(d) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of a sentence by the court.</p> <p>(e) "Person" means an individual, organization, partnership, corporation, or governmental entity.</p> <p>(f) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a serious misdemeanor against a victim.</p> <p>(g) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.</p>	
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(h) "Victim" means any of the following:


- (i) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a serious misdemeanor, except as provided in subparagraph (ii), (iii), (iv), or (v).
- (ii) The following individuals other than the defendant if the victim is deceased, except as provided in subparagraph (v):
 - (A) The spouse of the deceased victim.
 - (B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.
 - (C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.
 - (D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.
 - (E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.
 - (F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.
- (iii) 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.
- (iv) A parent, guardian, or custodian of a victim who is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process if he or she is not the defendant and is not incarcerated.
- (v) For the purpose of submitting or making an impact statement only, if the victim as defined in subparagraph (i) is deceased, is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process, or consents to the designation as a victim of the following individuals other than the defendant:
 - (A) The spouse of the victim.
 - (B) A child of the victim if the child is 18 years of age or older.
 - (C) A parent of the victim.
 - (D) The guardian or custodian of a child of the victim if the child is less than 18 years of age.
 - (E) A sibling of the victim.
 - (F) A grandparent of the victim.
 - (G) A guardian or custodian of the victim if the victim is less than 18 years of age at the time of the commission of the crime and that guardian or custodian is not incarcerated.

¹ M.C.L.A. § 780.752.

 <p>These definitions apply to Article 3 of the William Van Regenmorter Crime Victim's Rights Act, Mich. Comp. Laws Ann. §§ 780.811 to 780.834. This article applies to serious misdemeanors. Many of the statutory provisions in this article are included below in the section "Select Crime Victims' Rights."</p>	
<p>Sexual Assault Victim's Access to Justice Act Definitions.</p> <p>As used in this act:</p> <p>(a) "Forensic laboratory" means a DNA laboratory that has received formal recognition that it meets or exceeds a list of standards, including the FBI director's quality assurance standards, to perform specific tests, established by a nonprofit professional association of persons actively involved in forensic science that is nationally recognized within the forensic community in accordance with the provisions of the federal DNA identification act, 42 USC 14132, or subsequent laws.</p> <p>(b) "Investigating law enforcement agency" means the local, county, or state law enforcement agency with the primary responsibility for investigating an alleged sexual assault offense case and includes the employees of that agency. Investigating law enforcement agency includes a law enforcement agency of a community college or university if that law enforcement agency of a community college or university is responsible for collecting sexual assault evidence.</p> <p>(c) "Law enforcement agency" means the local, county, or state law enforcement agency and includes the employees of that agency. Law enforcement agency includes a law enforcement agency of a community college or university.</p> <p>(d) "Sexual assault evidence kit" means that term as defined in section 21527 of the public health code, 1978 PA 368, MCL 333.21527.</p> <p>(e) "Sexual assault offense" means a violation or attempted violation of sections 520b to</p>	<p>Mich. Comp. Laws Ann. § 752.952.</p>

<p>520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g.</p> <p>(f) “Sexual assault victim” means an individual subjected to a sexual assault offense and, for the purposes of making communications and receiving notices under this act, a person designated by the sexual assault victim under section 4.¹</p> <p>¹ M.C.L.A. § 752.954.</p> <p> These definitions apply to the Sexual Assault Victim’s Access to Justice Act, Mich. Comp. Laws Ann. §§ 752.951 to 752.957. The text of many of these statutory provisions is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Domestic Violence Victims’ Rights Definitions.</p> <p>As used in this section:</p> <p>(a) “Dating relationship” means that term as defined in section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950.</p> <p>(b) “Domestic violence incident” means an incident reported to a law enforcement agency involving allegations of 1 or both of the following:</p> <p>(i) A violation of a personal protection order issued under section 2950 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, or a violation of a valid foreign protection order.</p> <p>(ii) A crime committed by an individual against his or her spouse or former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual who resides or has resided in the same household.</p> <p>(c) “Foreign protection order” means that term as defined in section 2950h of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950h.</p>	<p>Mich. Comp. Laws Ann. § 764.15c(5).</p>


<p>(d) “Valid foreign protection order” means a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950i.</p> <p> These definitions apply to Mich. Comp. Laws Ann. § 764.15c(1)–(4), which guarantees domestic violence victims, <i>inter alia</i>, the right to certain information from law enforcement. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Assault and Domestic Violence Counselor Privilege Definitions.</p> <p>(a) “Confidential communication” means information transmitted between a victim and a sexual assault or domestic violence counselor, or between a victim or sexual assault or domestic violence counselor and any other person to whom disclosure is reasonably necessary to further the interests of the victim, in connection with the rendering of advice, counseling, or other assistance by the sexual assault or domestic violence counselor to the victim.</p> <p>(b) “Domestic violence” means that term as defined in section 1501 of Act No. 389 of the Public Acts of 1978, being section 400.1501 of the Michigan Compiled Laws.</p> <p>(c) “Sexual assault” means assault with intent to commit criminal sexual conduct.</p> <p>(d) “Sexual assault or domestic violence counselor” means a person who is employed at or who volunteers service at a sexual assault or domestic violence crisis center, and who in that capacity provides advice, counseling, or other assistance to victims of sexual assault or domestic violence and their families.</p> <p>(e) “Sexual assault or domestic violence crisis center” means an office, institution, agency, or center which offers assistance to victims of sexual assault or domestic violence and their families through crisis intervention and counseling.</p> <p>(f) “Victim” means a person who was or who alleges to have been the subject of a sexual</p>	<p>Mich. Comp. Laws Ann. § 600.2157a(1).</p>


<p>assault or of domestic violence.</p> <p> These definitions apply to the Sexual Assault and Domestic Violence Counselor Privilege, Mich. Comp. Laws Ann. § 600.2157a(2). The text of this privilege is included below in the section “Select Crime Victims’ Rights.”</p>	
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<p>SELECT CRIME VICTIMS' RIGHTS²</p>	<p>Michigan Constitutional Provisions and Statutes</p>
<p>Victims' Constitutional Rights; Victims' Right to be Treated with Fairness and Respect for Their Dignity and Privacy.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Victims' Constitutional Rights; Victims' Right to Timely Disposition of the Case.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to timely disposition of the case following arrest of the accused.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Victims' Constitutional Rights; Victims' Right to be Reasonably Protected from the Accused.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to be reasonably protected from the accused throughout the criminal justice process.</p>	<p>Mich. Const. art. 1, § 24(1).</p>

² The majority of the statutory provisions contained in this section are taken from Article 1 of the William Van Regenmorter Crime Victim's Rights Act, Mich. Comp. Laws Ann. §§ 780.571 to 780.775. Article 1 applies to felonies committed by persons age 17 or older, and to juveniles at least 14 years old, but less than 17 years old, who are charged with certain serious felonies in the Criminal Division of Circuit Court. See Mich. Comp. Laws Ann. § 780.752(1)(b); *id.* at § 780.752(1)(g). Where relevant, related statutory provisions from Article 3 of the Act, which applies to victims of serious misdemeanors, are noted. Some provisions from Article 3 are also included in full in this section, where there is not a sufficiently similar provision in Article 1.

<p>Victims' Constitutional Rights; Victims' Right to Notice of Court Proceedings.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to notification of court proceedings.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Victims' Constitutional Rights; Victims' Right to Attend Trial and All Other Court Proceedings the Accused Has the Right to Attend.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to attend trial and all other court proceedings the accused has the right to attend.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Victims' Constitutional Rights; Victims' Right to Confer.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to confer with the prosecution.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Victims' Constitutional Rights; Victims' Right to Make a Statement at Sentencing.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to make a statement to the court at sentencing.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Victims' Constitutional Rights; Victims' Right to Restitution.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p>	<p>Mich. Const. art. 1, § 24(1).</p>

<p>The right to restitution.</p>	
<p>Victims' Constitutional Rights; Victims' Right to Information About Defendant's Conviction, Sentence, Imprisonment and Release.</p> <p>Crime victims, as defined by law, shall have the following rights, as provided by law:</p> <p>The right to information about the conviction, sentence, imprisonment, and release of the accused.</p>	<p>Mich. Const. art. 1, § 24(1).</p>
<p>Eligibility to Exercise Privileges and Rights.</p> <p>(2) If a victim as defined in subsection (1)(m)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim must continue to be sent only to the victim.</p> <p>(3) An individual who is charged with a crime arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.</p> <p>(4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.</p> <p> These provisions apply to Article 1 of the William Van Regenmorter Crime Victim's</p>	<p>Mich. Comp. Laws Ann. § 780.752(2)-(4).</p>

<p>Rights Act, Mich. Comp. Laws Ann. §§ 780.571 to 780.775. This article applies to felonies committed by persons age 17 or older, and to juveniles at least 14 years old, but less than 17 years old, who are charged with certain serious felonies in the Criminal Division of Circuit Court. <i>See</i> Mich. Comp. Laws Ann. § 780.752(1)(b); <i>id</i> at § 780.752(1)(g).</p>	
<p>Eligibility to Exercise Privileges and Rights.</p> <p>(2) If a victim as defined in subsection (1)(h)(i) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, or grandparent or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in place of the victim. During the physical or emotional disability, notices to be provided under this article to the victim must continue to be sent only to the victim.</p> <p>(3) An individual who is charged with a serious misdemeanor, a crime as defined in section 2, or an offense as defined in section 31² arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.</p> <p>(4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.</p> <p>² M.C.L.A. § 780.781.</p> <p> These provisions apply to Article 3 of the William Van Regenmorter Crime Victim's Rights Act, Mich. Comp. Laws Ann. §§ 780.811 to 780.834. This article applies to serious misdemeanors.</p>	<p>Mich. Comp. Laws Ann. § 780.811(2)-(4).</p>

<p>Victims' Notification Rights Attach in Dispositions that Are Not Acquittals or Unconditional Dismissals; Law Enforcement's Duty to Provide Notice; Victims' Right to Access Information Otherwise Closed to the Public.</p> <p>The duty under this chapter and under section 24 of article I of the state constitution of 1963 of a court, the department of corrections, the department of human services, a county sheriff, or a prosecuting attorney to provide a notice to a victim also applies if the case against the defendant is resolved by assignment of the defendant to trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. In performing a duty under this chapter or under section 24 of article I of the state constitution of 1963, the court, department of corrections, department of human services, county sheriff, or prosecuting attorney may furnish information or records to the victim that would otherwise be closed to public inspection, including information or records described in section 14 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.14.</p> <p> Mich. Comp. Laws Ann. § 780.811b affords an identical right to victims of serious misdemeanors.</p>	<p>Mich. Comp. Laws Ann. § 780.752a.</p>
<p>Victims' Right to Information from Law Enforcement.</p> <p>Within 24 hours after the initial contact between the victim of a reported crime and the law enforcement agency having the responsibility for investigating that crime, that agency shall give to the victim the following information in writing:</p> <p>(a) The availability of emergency and medical services, if applicable.</p> <p>(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.</p> <p>(c) The address and telephone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.</p>	<p>Mich. Comp. Laws Ann. § 780.753.</p>

(d) The following statements:

“If you would like to be notified of an arrest in your case or the release of the person arrested, or both, you should call [identify law enforcement agency and telephone number] and inform them.”

“If you are not notified of an arrest in your case, you may call this law enforcement agency at [the law enforcement agency’s telephone number] for the status of the case.”





Mich. Comp. Laws Ann. § 780.813(1) affords an identical right to victims of serious misdemeanors. Additionally, where “the case against the defendant is brought under a local ordinance, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim the name and business address of the local prosecuting attorney for the political subdivision responsible for prosecuting the case along with the following statement: ‘The defendant in your case will be prosecuted under a local ordinance, rather than a state statute. Nonetheless, you have all the rights and privileges afforded to victims under the state constitution and the state crime victim’s rights act.’” Mich. Comp. Laws Ann. § 780.813(2).







A promising practice is to have a policy and procedure in place to ensure that these written notifications are meaningful. For instance, consideration should be given to providing this information in the victim’s primary language, as well as in a form accessible to those with vision impairments.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.

<p>Victims' Right to Prompt Return of Property.</p> <p>(1) The law enforcement agency having responsibility for investigating a reported crime shall promptly return to the victim property belonging to that victim which is taken in the course of the investigation, except as provided in subsections (2) to (4).</p> <p>(2) The agency shall not return property which is contraband.</p> <p>(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.</p> <p>(4) The agency shall retain as evidence any weapon used in the commission of the crime and any other evidence if the prosecuting attorney certifies that there is a need to retain that evidence in lieu of a photograph or other means of memorializing its possession by the agency.</p> <p> Mich. Comp. Laws Ann. § 780.814 affords an identical right to victims of serious misdemeanors.</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what “promptly” means in the context of the victim’s right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, and including the name of a person they may contact to check the status of the return.</p>	<p>Mich. Comp. Laws Ann. § 780.754.</p>
<p>Identity Theft Victim’s Right to File Police Report in Certain Jurisdiction and Obtain Copy of Report.</p> <p>(1) To facilitate compliance with 15 USC 1681g, a bona fide victim of identity theft is entitled to file a police report with a law enforcement agency in a jurisdiction where the</p>	<p>Mich. Comp. Laws Ann. § 780.754a.</p>

<p>alleged violation of identity theft may be prosecuted as provided under section 10c of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.10c, and to obtain a copy of that report from that law enforcement agency.</p> <p>(2) As used in this section, “identity theft” means that term as defined in section 3 of the identity theft protection act.¹</p> <p>¹ M.C.L.A. § 445.63.</p> <p> Mich. Comp. Laws Ann. § 780.814a affords an identical right to victims of serious misdemeanors involving identity theft.</p>	
<p>Victims’ Right to Notice of Arrest and Pretrial Release; Law Enforcement’s Obligation to Provide Notice; Revocation of Bond or Personal Recognizance in Response to Violence or Threats of Violence.</p> <p>(1) Not later than 24 hours after the arraignment of the defendant for a crime, the law enforcement agency having responsibility for investigating the crime shall give to the victim notice of the availability of pretrial release for the defendant, the telephone number of the sheriff or juvenile facility, and notice that the victim may contact the sheriff or juvenile facility to determine whether the defendant has been released from custody. The law enforcement agency having responsibility for investigating the crime shall promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff or juvenile facility, the sheriff or juvenile facility shall notify the law enforcement agency having responsibility for investigating the crime.</p> <p>(2) Based upon any credible evidence of acts or threats of physical violence or intimidation by the defendant or at the defendant’s direction against the victim or the victim’s immediate family, the prosecuting attorney may move that the bond or personal recognizance of a defendant be revoked.</p>	<p>Mich. Comp. Laws Ann. § 780.755.</p>

<p> Similar to subsection (1) of this statutory provision, Mich. Comp. Laws Ann. § 780.815 provides victims of serious misdemeanors with the right to notice of a defendant’s pretrial release. Under § 780.815, “[n]ot later than 72 hours after the arrest of the defendant for a serious misdemeanor, the law enforcement agency having responsibility for investigating the serious misdemeanor shall give to the victim notice of the availability of pretrial release for the defendant, the phone number of the sheriff, and notice that the victim may contact the sheriff to determine whether the defendant has been released from custody.” Mich. Comp. Laws Ann. § 780.815. The law enforcement agency investigating the crime must “promptly notify the victim of the arrest or pretrial release of the defendant, or both, if the victim requests or has requested that information. If the defendant is released from custody by the sheriff, the sheriff shall notify the law enforcement agency having responsibility for investigating the crime.” <i>Id.</i></p> <p> Mich. Comp. Laws Ann. § 780.813a provides prosecutors with the same authority to revoke bond or personal recognizance in cases involving serious misdemeanors as § 780.755(2).</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p>Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	
<p>Victims’ Right to Notice of Steps in the Criminal Justice Process and the Rights and Procedures Available; Prosecutors’ Obligation to Provide Notice; Victims’ Right to Confer with the Prosecution.</p> <p>(1) Not later than 7 days after the defendant’s arraignment for a crime, but not less than 24</p>	<p>Mich. Comp. Laws Ann. § 780.756.</p>

hours before a preliminary examination, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:

- (a) A brief statement of the procedural steps in the processing of a criminal case.
- (b) A specific list of the rights and procedures under this article.
- (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.
- (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.
- (e) Suggested procedures if the victim is subjected to threats or intimidation.
- (f) The person to contact for further information.

(2) If the victim requests, the prosecuting attorney shall give the victim notice of any scheduled court proceedings and any changes in that schedule.




(3) Before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the victim's views about the disposition of the prosecution for the crime, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs.

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

- (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later.
- (b) The department of corrections or the sheriff, as the prosecuting attorney directs, if the defendant is imprisoned.
- (c) The department of human services or county juvenile agency, as the prosecuting attorney directs, if the defendant is held in a juvenile facility.
- (d) The hospital or facility, as the prosecuting attorney directs, if the defendant is hospitalized in or admitted to a hospital or a facility.



Mich. Comp. Laws Ann. § 780.816 contains similar notification rights for victims of

<p>serious misdemeanors. It also contains a similar right to confer with the prosecution. The full text of this statutory provision is included below.</p> <p> Under Mich. Comp. Laws Ann. § 780.760, upon the request of a victim, the prosecutor must also confer with the victim prior to jury selection and prior to trial.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p> <p>Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with the relevant department.</p>	
<p>Victims’ Right to Separate Waiting Area or Other Safeguards in Courthouse.</p> <p>The court shall provide a waiting area for the victim separate from the defendant, defendant’s relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim’s contact with defendant, defendant’s relatives, and defense witnesses during court proceedings.</p> <p> Mich. Comp. Laws Ann. § 780.817 imposes the same requirement on courts with respect to victims of serious misdemeanors.</p>	<p>Mich. Comp. Laws Ann. § 780.757.</p>
<p>Victims’ Right to Confidentiality of Identifying Information; Victims’ Right to Privacy and Nondisclosure of Certain Information Under the Freedom of Information Act.</p> <p>(1) Based upon the victim’s reasonable apprehension of acts or threats of physical violence</p>	<p>Mich. Comp. Laws Ann. § 780.758.</p>

or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the victim or any other witness not be compelled to testify at pretrial proceedings or at trial for purposes of identifying the victim as to the victim's address, place of employment, or other personal identification without the victim's consent. A hearing on the motion shall be in camera.

(2) The work address and address of the victim shall not be in the court file or ordinary court documents unless contained in a transcript of the trial or it is used to identify the place of the crime. The work telephone number and telephone number of the victim shall not be in the court file or ordinary court documents except as contained in a transcript of the trial.

(3) Under section 24 of article I of the state constitution of 1963, guaranteeing to crime victims the right to be treated with respect for their dignity and privacy, all of the following information and visual representations of a victim are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246:

(a) The home address, home telephone number, work address, and work telephone number of the victim unless the address is used to identify the place of the crime.

(b) A picture, photograph, drawing, or other visual representation, including any film, videotape, or digitally stored image of the victim.


(c) The following information concerning a victim of child abuse, criminal sexual conduct, assault with intent to commit criminal sexual conduct, or a similar crime who was less than 18 years of age when the crime was committed:



(i) The victim's name and address.





(ii) The name and address of an immediate family member or relative of the victim, who has the same surname as the victim, other than the name and address of the accused.

(iii) Any other information that would tend to reveal the identity of the victim, including a reference to the victim's familial or other relationship to the accused.

(4) Subsection (3) does not preclude the release of information to a victim advocacy organization or agency for the purpose of providing victim services.

 Mich. Comp. Laws Ann. § 780.818 provides nearly identical rights to victims of serious misdemeanors.

 A promising practice is to have a policy and procedure in place to ensure compliance with these confidentiality and privacy rights related to victim records.	
<p>Prosecution’s Authority to Request Speedy Trial for Certain Categories of Victims.</p> <p>(1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is declared by the prosecuting attorney to be any of the following:</p> <ul style="list-style-type: none"> (a) A victim of child abuse, including sexual abuse or any other assaultive crime. (b) A victim of criminal sexual conduct in the first, second, or third degree or of an assault with intent to commit criminal sexual conduct involving penetration or to commit criminal sexual conduct in the second degree. (c) Sixty-five years of age or older. (d) An individual with a disability that inhibits the individual’s ability to attend court or participate in the proceedings. <p>(2) The chief judge, upon motion of the prosecuting attorney for a speedy trial for a case described in subsection (1), shall set a hearing date within 14 days of the date of the filing of the motion. Notice shall be made pursuant to the Michigan court rules. If the motion is granted, the trial shall not be scheduled earlier than 21 days from the date of the hearing.</p> <p> Under Mich. Comp. Laws Ann. § 780.818, expedited trials may be scheduled for child-victims of serious misdemeanors.</p>	<p>Mich. Comp. Laws Ann. § 780.759.</p>
<p>Victims’ Right to Confer with the Prosecution Before Jury Selection and Trial.</p> <p>Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the selection of the jury and prior to the trial of the defendant.</p>	<p>Mich. Comp. Laws Ann. § 780.760.</p>

<p> Under Mich. Comp. Laws Ann. § 780.820, upon the request of a victim of a serious misdemeanor, the prosecutor must confer with the victim prior to trial.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Be Present at Trial; Victim Sequestration.</p> <p>The victim has the right to be present throughout the entire trial of the defendant, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court may, for good cause shown, order the victim to be sequestered until the victim first testifies. The victim shall not be sequestered after he or she first testifies.</p> <p> Mich. Comp. Laws Ann. § 780.821 provides an identical right to victims of serious misdemeanors.</p> <p> Victims’ constitutional and statutory right to be present should provide for the victims’ presence during the entirety of the trial. Even if the victim is to be a witness and the court concludes that the victim’s testimony would be materially altered or affected if the victim hears other testimony, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	<p>Mich. Comp. Laws Ann. § 780.761.</p>
<p>Victims’ Employment-Related Rights.</p> <p>(1) An employer or the employer’s agent, who threatens to discharge or discipline or who discharges, disciplines, or causes to be discharged from employment or to be disciplined a victim because that victim is subpoenaed or requested by the prosecuting attorney to attend</p>	<p>Mich. Comp. Laws Ann. § 780.762.</p>

court for the purpose of giving testimony, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(2) An employer or an employer's agent who disciplines or discharges a victim representative from employment, causes a victim representative to be disciplined or discharged from employment, or threatens to discipline or discharge a victim representative from employment because that victim representative attends or desires to attend court to be present during the testimony of the victim, is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, and may be punished for contempt of court.

(3) As used in this section, "victim representative" means any of the following:

- (a) A guardian or custodian of a child of a deceased victim if the child is less than 18 years of age.
- (b) A parent, guardian, or custodian of a victim of an assaultive crime if the victim of the assaultive crime is less than 18 years of age.
- (c) A person who has been designated under section 2(2)¹ to act in place of a victim of an assaultive crime during the duration of the victim's physical or emotional disability.

¹ M.C.L.A. § 780.752.




Mich. Comp. Laws Ann. § 780.822 provides the same employment-related rights to victims of serious misdemeanors.







A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights.



A promising practice is to have a policy and procedure in place to provide employers with this information.

<p>Victims' Right to Notice of a Defendant's Conviction; Victims' Right to Participate in Sentencing Investigation and Proceedings.</p> <p>(1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:</p> <ul style="list-style-type: none"> (a) The defendant's conviction. (b) The crimes for which the defendant was convicted. (c) The victim's right to make a written or oral impact statement for use in the preparation of a presentence investigation report concerning the defendant. (d) The address and telephone number of the probation office which is to prepare the presentence investigation report. (e) That a presentence investigation report and any statement of the victim included in the report will be made available to the defendant unless exempted from disclosure by the court. (f) The victim's right to make an impact statement at sentencing. (g) The time and place of the sentencing proceeding. <p>(2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.</p> <p>(3) A notice given under subsection (1) shall inform the victim that his or her impact statement may include but shall not be limited to the following:</p> <ul style="list-style-type: none"> (a) An explanation of the nature and extent of any physical, psychological, or emotional harm or trauma suffered by the victim. (b) An explanation of the extent of any economic loss or property damage suffered by the victim. (c) An opinion of the need for and extent of restitution and whether the victim has applied for or received compensation for loss or damage. (d) The victim's recommendation for an appropriate sentence. <p> Mich. Comp. Laws Ann. § 780.822 provides the same notification and participatory rights to victims of serious misdemeanors.</p>	<p>Mich. Comp. Laws Ann. § 780.763.</p>
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 A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.	
<p>Victims’ Right to Receive and File a Form Requesting Notification of a Defendant’s Release, Transfer, Escape or Other Change in Status.</p> <p>(1) When a defendant is sentenced to probation, sentenced to a term of imprisonment, ordered to be placed in a juvenile facility, or hospitalized in or admitted to a hospital or a facility, the prosecuting attorney shall provide the victim with a form the victim may submit to receive the notices provided for under section 18b, 19, 19a, 20, or 20a.¹ The form shall include the address of the court, the department of corrections, the sheriff, the department of human services, the county juvenile agency, or the hospital or facility, as applicable, to which the form may be sent.</p> <p>(2) If the defendant is sentenced to probation, the department of corrections or the sheriff, as applicable, shall notify the victim if the probation is revoked and the defendant is sentenced to the department of corrections or to jail for more than 90 days. The notice shall include a form the victim may submit to the department of corrections or the sheriff to receive notices under section 19, 20, or 20a.²</p> <p>(3) If the department of corrections determines that a defendant who was, in the defendant’s judgment of sentence, not prohibited from being or permitted to be placed in the special alternative incarceration unit established under section 3 of the special alternative incarceration act, 1988 PA 287, MCL 798.13, meets the eligibility requirements of section 34a(2) and (3) of the corrections code of 1953, 1953 PA 232, MCL 791.234a, the department of corrections shall notify the victim, if the victim has submitted a written request for notification under section 19,³ of the proposed placement of the defendant in the special alternative incarceration unit not later than 30 days before placement is intended to occur. In making the decision on whether or not to object to the placement of the defendant in a special alternative incarceration unit as required by section 34a(4) of the</p>	<p>Mich. Comp. Laws Ann. § 780.763a.</p>

<p>corrections code of 1953, 1953 PA 232, MCL 791.234a, the sentencing judge or the judge's successor shall review an impact statement submitted by the victim under section 14.⁴</p> <p>¹ M.C.L.A. § 780.768b, 780.769, 780.769a, 780.770, or 780.770a. ² M.C.L.A. § 780.769, 780.770, or 780.770a. ³ M.C.L.A. § 780.769. ⁴ M.C.L.A. § 780.764.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights and to inform them of the notification form available under this statutory provision. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Submit or Make a Written or Oral Impact Statement for Use in a Presentence Investigation Report.</p> <p>The victim has the right to submit or make a written or oral impact statement to the probation officer for use by that officer in preparing a presentence investigation report concerning the defendant pursuant to section 14 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.14. A victim’s written statement shall upon the victim’s request, be included in the presentence investigation report.</p> <p> Mich. Comp. Laws Ann. § 780.824 affords the same right to victims of serious misdemeanors, if a presentence investigation report is prepared in the matter. If no presentence report is prepared, the victim of a serious misdemeanor retains the right to appear and make an impact statement at sentencing in person or through another person. Mich. Comp. Laws Ann. § 780.825.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	<p>Mich. Comp. Laws Ann. § 780.764.</p>

Victims' Right to Be Present at Sentencing; Victims' Right to Give an Impact Statement at Sentencing.

Mich. Comp. Laws Ann. § 780.765.

(1) The victim has the right to appear and make an oral impact statement at the sentencing of the defendant. 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 his or her behalf. The other person need not be an attorney.

(2) Unless the court has determined, in its discretion, that the defendant is behaving in a disruptive manner or presents a threat to the safety of any individuals present in the courtroom, the defendant must be physically present in the courtroom at the time a victim makes an oral impact statement under subsection (1). In making its determination under this subsection, the court may consider any relevant statement provided by the victim regarding the defendant being physically present during that victim's oral impact statement. This subsection applies to cases in which the sentencing of the defendant occurs on or after the effective date of the amendatory act that added this subsection.¹

(3) The 2018 amendatory act that amended this section and sections 43 and 75² shall be known and may be cited as the "Rebekah Bletsch law".

¹ P.A.2018, No. 153, Imd. Eff. May 23, 2018.


² M.C.L.A. §§ 780.793 and 780.825.



Mich. Comp. Laws Ann. § 780.825 affords similar rights to victims of serious misdemeanors, where no presentence investigation report is prepared.



A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement

<p>using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Restitution.</p> <p>(1) As used in this section only, “victim” means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a crime. As used in subsections (2), (3), (6), (8), (9), and (13) only, victim includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a crime.</p> <p>(2) Except as provided in subsection (8), when sentencing a defendant convicted of a crime, the court shall order, in addition to or in lieu of any other penalty authorized by law or in addition to any other penalty required by law, that the defendant make full restitution to any victim of the defendant’s course of conduct that gives rise to the conviction or to the victim’s estate. For an offense that is resolved by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, the court shall order the restitution required under this section.</p> <p>(3) If a crime results in damage to or loss or destruction of property of a victim of the crime or results in the seizure or impoundment of property of a victim of the crime, the order of restitution shall require that the defendant do 1 or more of the following, as applicable:</p> <p>(a) Return the property to the owner of the property or to a person designated by the owner.</p> <p>(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraph (i) or (ii), less the value, determined as of the date the property is returned, of that property or any part of the property that is returned:</p>	<p>Mich. Comp. Laws Ann. § 780.766.</p>

<p>(i) The fair market value of the property on the date of the damage, loss, or destruction. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value.</p> <p>(ii) The fair market value of the property on the date of sentencing. However, if the fair market value of the property cannot be determined or is impractical to ascertain, then the replacement value of the property shall be utilized in lieu of the fair market value.</p> <p>(c) Pay the costs of the seizure or impoundment, or both.</p> <p>(4) If a crime results in physical or psychological injury to a victim, the order of restitution shall require that the defendant do 1 or more of the following, as applicable:</p> <p>(a) Pay an amount equal to the reasonably determined cost of medical and related professional services and devices actually incurred and reasonably expected to be incurred relating to physical and psychological care.</p> <p>(b) Pay an amount equal to the reasonably determined cost of physical and occupational therapy and rehabilitation actually incurred and reasonably expected to be incurred.</p> <p>(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the crime.</p> <p>(d) Pay an amount equal to the reasonably determined cost of psychological and medical treatment for members of the victim's family actually incurred and reasonably expected to be incurred as a result of the crime.</p> <p>(e) Pay an amount equal to the reasonably determined costs of homemaking and child care expenses actually incurred and reasonably expected to be incurred as a result of the crime or, if homemaking or child care is provided without compensation by a relative, friend, or any other person, an amount equal to the costs that would reasonably be incurred as a result of the crime for that homemaking and child care, based on the rates in the area for comparable services.</p> <p>(f) Pay an amount equal to the cost of actual funeral and related services.</p> <p>(g) If the deceased victim could be claimed as a dependent by his or her parent or guardian on the parent's or guardian's federal, state, or local income tax returns, pay an amount equal to the loss of the tax deduction or tax credit. The amount of reimbursement shall be estimated for each year the victim could reasonably be claimed as a dependent.</p> <p>(h) Pay an amount equal to income actually lost by the spouse, parent, sibling, child, or</p>	
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grandparent of the victim because the family member left his or her employment, temporarily or permanently, to care for the victim because of the injury.

(5) If a crime resulting in bodily injury also results in the death of a victim or serious impairment of a body function of a victim, the court may order up to 3 times the amount of restitution otherwise allowed under this section. As used in this subsection, "serious impairment of a body function of a victim" includes, but is not limited to, 1 or more of the following:

- (a) Loss of a limb or use of a limb.
- (b) Loss of a hand or foot or use of a hand or foot.
- (c) Loss of an eye or use of an eye or ear.
- (d) Loss or substantial impairment of a bodily function.
- (e) Serious visible disfigurement.
- (f) A comatose state that lasts for more than 3 days.
- (g) Measurable brain damage or mental impairment.
- (h) A skull fracture or other serious bone fracture.
- (i) Subdural hemorrhage or subdural hematoma.
- (j) Loss of a body organ.

(6) If the victim or victim's estate consents, the order of restitution may require that the defendant make restitution in services in lieu of money.

(7) If the victim is deceased or dies, the court shall order that the restitution or remaining restitution be made to those entitled to inherit from the victim's estate.

(8) The court shall order restitution to the crime victim services commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court shall also order restitution for the costs of services provided to persons or entities that have provided services to the victim as a result of the crime. Services that are subject to restitution under this subsection include, but are not limited to, shelter, food, clothing, and transportation. However, an order of restitution shall require that all restitution to a victim or victim's estate

under the order be made before any restitution to any other person or entity under that order is made. The court shall not order restitution to be paid to a victim or victim's estate if the victim or victim's estate has received or is to receive compensation for that loss, and the court shall state on the record with specificity the reasons for its action.

(9) Any amount paid to a victim or victim's estate under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim or the victim's estate in any federal or state civil proceeding and shall reduce the amount payable to a victim or a victim's estate by an award from the crime victim services commission made after an order of restitution under this section.

(10) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the defendant make restitution under this section within a specified period or in specified installments.

(11) If the defendant is placed on probation or paroled or the court imposes a conditional sentence as provided in section 3 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any restitution ordered under this section shall be a condition of that probation, parole, or sentence. The court may revoke probation or impose imprisonment under the conditional sentence and the parole board may revoke parole if the defendant fails to comply with the order and if the defendant has not made a good faith effort to comply with the order. In determining whether to revoke probation or parole or impose imprisonment, the court or parole board shall consider the defendant's employment status, earning ability, and financial resources, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.

(12) Subject to subsection (18), a defendant who is required to pay restitution and who is not in willful default of the payment of the restitution may at any time petition the sentencing judge or his or her successor to modify the method of payment. If the court determines that payment under the order will impose a manifest hardship on the defendant or his or her immediate family, and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim, the court may modify the method of payment.

(13) An order of restitution entered under this section remains effective until it is satisfied in full. An order of restitution is a judgment and lien against all property of the defendant for the amount specified in the order of restitution. The lien may be recorded as provided by law. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien.

(14) Notwithstanding any other provision of this section, a defendant shall not be imprisoned, jailed, or incarcerated for a violation of probation or parole or otherwise for failure to pay restitution as ordered under this section unless the court or parole board determines that the defendant has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(15) If the court determines that a juvenile is or will be unable to pay all of the restitution ordered, after notice to the juvenile's parent or parents and an opportunity for the parent or parents to be heard the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the acts upon which an order of restitution is based to pay any portion of the restitution ordered that is outstanding. An order under this subsection does not relieve the juvenile of his or her obligation to pay restitution as ordered, but the amount owed by the juvenile shall be offset by any amount paid by his or her parent.

As used in this subsection:

(a) "Juvenile" means a person within the court's jurisdiction under section 2d or 4 of chapter XIII of the probate code of 1939, 1939 PA 288, MCL 712A.2d and 712A.4.

(b) "Parent" does not include a foster parent.

(16) If the court orders a parent to pay restitution under subsection (15), the court shall take into account the parent's financial resources and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations the parent may have. If a parent is required to pay restitution under subsection (15), the court shall provide for payment to be made in specified installments and within a specified period of time.

(17) A parent who has been ordered to pay restitution under subsection (15) may petition the

court for a modification of the amount of restitution owed by the parent or for a cancellation of any unpaid portion of the parent's obligation. The court shall cancel all or part of the parent's obligation due if the court determines that payment of the amount due will impose a manifest hardship on the parent and if the court also determines that modifying the method of payment will not impose a manifest hardship on the victim.

(18) In each case in which payment of restitution is ordered as a condition of probation, the court shall order any employed defendant to make regularly scheduled restitution payments. If the defendant misses 2 or more regularly scheduled payments, the court shall order the defendant to execute a wage assignment to pay the restitution. The probation officer assigned to the case shall review the case not less than twice yearly to ensure that restitution is being paid as ordered. If the restitution was ordered to be made within a specific period of time, the probation officer assigned to the case shall review the case at the end of the specific period of time to determine if the restitution has been paid in full. The final review shall be conducted not less than 60 days before the probationary period expires. If the probation officer determines at any review that restitution is not being paid as ordered, the probation officer shall file a written report of the violation with the court on a form prescribed by the state court administrative office or shall petition the court for a probation violation. The report or petition shall include a statement of the amount of the arrearage and any reasons for the arrearage known by the probation officer. The probation officer shall immediately provide a copy of the report or petition to the prosecuting attorney. If a petition or motion is filed or other proceedings are initiated to enforce payment of restitution and the court determines that restitution is not being paid or has not been paid as ordered by the court, the court shall promptly take action necessary to compel compliance.

(19) If a defendant who is ordered to pay restitution under this section is remanded to the jurisdiction of the department of corrections, the court shall provide a copy of the order of restitution to the department of corrections when the defendant is remanded to the department's jurisdiction.

(20) The court shall not impose a fee on a victim, victim's estate, or prosecuting attorney for enforcing an order of restitution.

(21) If a person or entity entitled to restitution under this section cannot be located, refuses to claim the restitution within 2 years after the date on which he or she could have claimed the restitution, or refuses to accept the restitution, the restitution to which that person or entity is entitled shall be deposited in the crime victim's rights fund created under section 4 of 1989 PA 196, MCL 780.904, or its successor fund. However, a person or entity entitled to that restitution may claim that restitution any time by applying to the court that originally ordered and collected it. The court shall notify the crime victim services commission of the application and the commission shall approve a reduction in the court's revenue transmittal to the crime victim's rights fund equal to the restitution owed to the person or entity. The court shall use the reduction to reimburse that restitution to the person or entity.

(22) The court may amend an order of restitution entered under this section on a motion by the prosecuting attorney, the victim, or the defendant based upon new information related to the injury, damages, or loss for which the restitution was ordered.




(23) A court that receives notice that a defendant who has an obligation to pay restitution under this section has declared bankruptcy shall forward a copy of that notice to the prosecuting attorney. The prosecuting attorney shall forward the notice to the victim at the victim's last known address.


(24) If the victim is a minor, the order of restitution shall require the defendant to pay to a parent of the victim an amount that is determined to be reasonable for any of the following that are actually incurred or reasonably expected to be incurred by the parent as a result of the crime:

- (a) Homemaking and child care expenses.
- (b) Income loss not ordered to be paid under subsection (4)(h).
- (c) Mileage.
- (d) Lodging or housing.
- (e) Meals.
- (f) Any other cost incurred in exercising the rights of the victim or a parent under this act.



Victims of serious misdemeanors share many of these restitution-related rights. For more information on restitution for such victims, *see generally* Mich. Comp. Laws Ann. §

<p>780.826.</p> <p> For information about the allocation of restitution and other payments arising out of a felony, <i>see</i> Mich. Comp. Laws Ann. § 780.766a.</p> <p> For information about the factors that courts consider in determining restitution and the related burden of proof, <i>see</i> Mich. Comp. Laws Ann. § 780.767.</p> <p> It is a promising practice to have a policy and procedure in place to ensure victims are informed that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Human Trafficking Victims’ Right to Restitution.</p> <p>When sentencing a defendant convicted of an offense described in chapter LXVIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, the court shall order restitution for the full amount of loss suffered by the victim. In addition to restitution ordered under section 16,¹ the court may order the defendant to pay all of the following:</p> <p>(a) Lost income, calculated by whichever of the following methods results in the largest amount:</p> <p>(i) The gross amount received by the defendant from or the value to the defendant of the victim’s labor or services.</p> <p>(ii) The value of the victim’s labor or services as calculated under the minimum wage law of 1964, 1964 PA 154, MCL 408.381 to 408.398, or the federal minimum wage, whichever results in the largest value.</p> <p>(iii) Income loss as determined under section 16(4)(c).</p>	<p>Mich. Comp. Laws Ann. § 780.766b.</p>

<p>(b) The cost of transportation, temporary housing, and child care expenses incurred by the victim because of the offense.</p> <p>(c) Attorney fees and other costs and expenses incurred by the victim because of the offense, including, but not limited to, costs and expenses relating to assisting the investigation of the offense and for attendance at related court proceedings as follows:</p> <ul style="list-style-type: none"> (i) Wages lost. (ii) Child care. (iii) Transportation. (iv) Parking. <p>(d) Any other loss suffered by the victim as a proximate result of the offense.</p> <p> It is a promising practice to have a policy and procedure in place to ensure victims are informed that they are entitled to seek restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Notice of a Defendant’s Appeal and Release Pending Appeal; Victims’ Right to an Explanation of the Appeals Process; Victims’ Rights Upon Return of Case to Trial Court; Prosecutors’ Obligations.</p> <p>(1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:</p> <ul style="list-style-type: none"> (a) That the defendant filed an appeal of his or her conviction or sentence or that the prosecuting attorney filed an appeal. (b) Whether the defendant has been ordered released on bail or other recognizance pending the disposition of the appeal. If the prosecuting attorney is notified that the defendant has been ordered released on bail or other recognizance pending disposition of the appeal, the prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order. 	<p>Mich. Comp. Laws Ann. § 780.768a.</p>


(c) The time and place of any appellate court oral arguments and any changes in the time or place of those arguments.


(d) The result of the appeal. If the conviction is ordered reversed, the sentence is vacated, the case is remanded for a new trial, or the prosecuting attorney's appeal is denied, and if the prosecuting attorney has filed the appropriate notice with the appellate court, the appellate court shall expedite delivery of the relevant document to the prosecuting attorney's office by any means reasonably calculated to give the prosecuting attorney prompt notice. The prosecuting attorney shall use any means reasonably calculated to give the victim notice of that order within 24 hours after the prosecuting attorney is notified of the order.




(2) If the prosecuting attorney is not successful in notifying the victim of an event described in subsection (1) within the period set forth in that subsection, the prosecuting attorney shall notify the victim of that event as soon as possible by any means reasonably calculated to give the victim prompt actual notice.

(3) The prosecuting attorney shall provide the victim with a brief explanation in plain English of the appeal process, including the possible dispositions.

(4) If the case is returned to the trial court for further proceedings or a new trial, the victim has the same rights as previously requested during the proceedings that led to the appeal.

 Mich. Comp. Laws Ann. § 780.828 provides identical notification and informational rights to victims of serious misdemeanors.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.

<p>Victims' Right to Notice of Early Termination of Probation Where the Defendant was Sentenced to Probation with a Condition for a Victim's Protection.</p> <p>If a defendant is sentenced to probation with a condition for the protection of the victim and if requested by the victim, the court shall notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered.</p> <p> Under Mich. Comp. Laws Ann. § 780.763a, the prosecutor must provide the victim with a form that the victim may submit to receive the notice provided under this statute.</p> <p> Mich. Comp. Laws Ann. § 780.827b provides an identical right for victims of serious misdemeanors.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	<p>Mich. Comp. Laws Ann. § 780.768b.</p>
<p>Victims' Right to Notice of the Defendant's Earliest Release or Parole Date, Transfer within the Correctional System, Escape, Reprieve, Pardon, Discharge or Other Change in Status.</p> <p>(1) Upon the written request of any individual who was a victim of the defendant's course of conduct that gave rise to the conviction, the sheriff or the department of corrections shall mail to that victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for that crime:</p> <p>(a) Within 30 days after the request, notice of the sheriff's calculation of the prisoner's</p>	<p>Mich. Comp. Laws Ann. § 780.769.</p>

earliest release date or the department's calculation of the prisoner's earliest parole eligibility date, with all potential good time or disciplinary credits considered, if the sentence of imprisonment exceeds 90 days.

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

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

(d) Notice that the person accused, convicted, or imprisoned for committing a crime against the victim has escaped from custody, as provided in section 20.¹

(e) Notice of both of the following:

(i) The victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole during the time the prisoner's release on parole or commutation of sentencing is being considered, as provided in section 21.²

(ii) The victim's right to address the parole board and to present exhibits or other photographic or documentary information to the parole board including at a commutation hearing.

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




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



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

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

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

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

<p>(l) Notice that a prisoner has been convicted of a new crime.</p> <p>(m) Notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole.</p> <p>(n) Notice that the prisoner, including a parolee, has died. However, the notification requirements of this subdivision apply to the death of a parolee only if the department is aware that the parolee has died.</p> <p>(2) A victim’s address and telephone number maintained by a sheriff or the department of corrections upon a request for notice under this section are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be released.</p> <p>¹ M.C.L.A. § 780.770. ² M.C.L.A. § 780.771.</p> <p> Under Mich. Comp. Laws Ann. § 780.763a, the prosecutor must provide the victim with a form that the victim may submit to receive the notice provided under this statute.</p> <p> Mich. Comp. Laws Ann. § 780.828b provides many of these and other related notification rights to victims of serious misdemeanors.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	
<p>Victims’ Right to Notice of Pending Transfer, Leave, Furlough, Absence or Release from Hospital or Facility of a Defendant Found Not Guilty by Reason of Insanity.</p> <p>(1) On a victim’s written request, the director of a hospital or facility where a defendant</p>	<p>Mich. Comp. Laws Ann. § 780.769a.</p>

<p>found not guilty by reason of insanity has been hospitalized or admitted by court order shall notify the victim of the following:</p> <ul style="list-style-type: none"> (a) A pending transfer of the defendant to a less secure hospital or facility. (b) A pending transfer of the defendant to alternative care or treatment, community placement, or aftercare reintegration. (c) A pending leave, absence, furlough, or other release from confinement for the defendant, whether temporary or permanent. <p>(2) A notice required by subsection (1) shall be given by any means reasonably calculated to give the victim prompt actual notice.</p> <p>(3) A victim's address and telephone number maintained by a hospital or facility under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.</p> <p> Under Mich. Comp. Laws Ann. § 780.763a, the prosecutor must provide the victim with a form that the victim may submit to receive the notice provided under this statute.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	
<p>Victims' Right to Notice of a Defendant's Escape from a Hospital or Place of Confinement.</p> <p>(1) The person designated in subsections (2) to (4) shall give a victim who requests notice and the prosecuting attorney who is prosecuting or has prosecuted the crime for which a defendant is detained, under sentence, hospitalized, or admitted to a facility immediate</p>	<p>Mich. Comp. Laws Ann. § 780.770.</p>

notice of the escape of the defendant accused, convicted, imprisoned, hospitalized, or admitted to a facility for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(2) If notice is required under this section and the defendant escapes from custody before sentence is executed or before the defendant is delivered to the department of corrections, hospitalized, or admitted to a facility, the chief law enforcement officer of the agency in charge of the person's detention shall give notice to the prosecuting attorney that the defendant has escaped, who shall then give notice to the victim who requested that notice. The notice shall be provided to the victim within 24 hours after the defendant is reported to have escaped.

(3) If the defendant is confined under a sentence, the notice required under this section shall be given by the chief administrator of the place in which the prisoner is confined.

(4) If the defendant is hospitalized under an order of hospitalization or admitted to a facility under an order of admission, the notice required under this section shall be given by the director of the hospital in which the defendant is hospitalized or by the director of the facility to which the defendant is admitted.





Under Mich. Comp. Laws Ann. § 780.763a, the prosecutor must provide the victim with a form that the victim may submit to receive the notice provided under this statute.





Mich. Comp. Laws Ann. § 780.828b provides a similar right to notice of a defendant's escape to victims of serious misdemeanors.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their

<p>participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	
<p>Victims' Right to Notice of Final Disposition of the Case by Prosecutor.</p> <p>Upon the request of a victim, the prosecuting attorney shall, within 30 days of the final disposition of the case, notify the victim in writing of the final disposition of the case.</p> <p> Mich. Comp. Laws Ann. § 780.827 contains the same requirement of victim notification by the prosecutor within 30 days after a final disposition.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	<p>Mich. Comp. Laws Ann. § 780.772.</p>
<p>Victims' Right to Notice of Application to Have Conviction Set Aside; Prosecutors' Obligations; Victims' Right to Appear at Related Proceeding and to Make a Statement.</p> <p>If a defendant applies to have a conviction for an assaultive crime set aside under Act No. 213 of the Public Acts of 1965, being sections 780.621 to 780.624 of the Michigan Compiled Laws, and if the name of the victim is known by the prosecuting attorney, the prosecuting attorney shall give to the victim of the assaultive crime written notice of the application and forward a copy of the application to the victim. The notice shall be by first-class mail to the victim’s last known address. The victim has the right to appear at any proceeding under Act No. 213 of the Public Acts of 1965 concerning that conviction and make a written or oral statement. As used in this section, “assaultive crime” means that term as defined in section 9a of chapter X of the code of criminal procedure, Act No. 175</p>	<p>Mich. Comp. Laws Ann. § 780.772a.</p>

<p>of the Public Acts of 1927, being section 770.9a of the Michigan Compiled Laws.</p> <p> Mich. Comp. Laws Ann. § 780.827a contains the same notification requirement with respect to a defendant’s application to have the conviction for a serious misdemeanor set aside.</p>	
<p>William Van Regenmorter Crime Victim’s Rights Act Does Not Create a Cause of Action for Money Damages.</p> <p>Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, a municipality or any of their agencies, or instrumentalities, or employees.</p>	<p>Mich. Comp. Laws Ann. § 780.773.</p>
<p>Victims of Serious Misdemeanors Right to Nondisclosure of Identifying Information.</p> <p>A law enforcement officer investigating a serious misdemeanor involving a victim shall include with the complaint, appearance ticket, or traffic citation filed with the court a separate written statement including the name, address, and phone number of each victim. This separate statement shall not be a matter of public record.</p> <p> A promising practice is to have a policy and procedure in place ensuring that law enforcement officers do not disclose victims’ identifying information except as required by law.</p>	<p>Mich. Comp. Laws Ann. § 780.812.</p>
<p>Serious Misdemeanor Victims’ Right to Notice of Steps in Processing a Misdemeanor Case and of the Rights and Procedures Available; Prosecutors’ Obligation to Provide Notice; Victims’ Right to Confer with the Prosecution.</p> <p>(1) If a plea of guilty or nolo contendere is accepted by the court at the time of the</p>	<p>Mich. Comp. Laws Ann. § 780.816.</p>

arraignment of the defendant for a serious misdemeanor, the court shall notify the prosecuting attorney of the plea and the date of sentencing within 48 hours after the arraignment. If no guilty or nolo contendere plea is accepted at the arraignment and further proceedings will be scheduled, the court shall so notify the prosecuting attorney within 48 hours after the arraignment. A notice to the prosecuting attorney under this subsection shall be on a separate form and shall include the name, address, and telephone number of the victim. The notice shall not be a matter of public record. Within 48 hours after receiving this notice, the prosecuting attorney shall give to each victim a written notice in plain English of each of the following:


- (a) A brief statement of the procedural steps in the processing of a misdemeanor case, including pretrial conferences.
- (b) A specific list of the rights and procedures under this article.
- (c) A convenient means for the victim to notify the prosecuting attorney that the victim chooses to exercise his or her rights under this article.
- (d) Details and eligibility requirements for compensation from the crime victim services commission under 1976 PA 223, MCL 18.351 to 18.368.
- (e) Suggested procedures if the victim is subjected to threats or intimidation.
- (f) The person to contact for further information.




(2) If requested by the victim, the prosecuting attorney shall give to the victim notice of any scheduled court proceedings and notice of any changes in that schedule.

(3) If the defendant has not already entered a plea of guilty or nolo contendere at the arraignment, the prosecuting attorney shall offer the victim the opportunity to consult with the prosecuting attorney to obtain the views of the victim about the disposition of the serious misdemeanor, including the victim's views about dismissal, plea or sentence negotiations, and pretrial diversion programs before finalizing any negotiation that may result in a dismissal, plea or sentence bargain, or pretrial diversion.

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

(5) A victim who receives a notice under subsection (1) or (2) and who chooses to receive

<p>any notice or exercise any right under this article shall keep the following persons informed of the victim's current address and telephone number:</p> <ul style="list-style-type: none"> (a) The prosecuting attorney, until final disposition or completion of the appellate process, whichever occurs later. (b) The sheriff, if the defendant is imprisoned for more than 92 days. <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with any relevant agencies.</p>	
<p>Sexual Assault Victims' Rights to Information and Notice; Law Enforcement's Obligations.</p> <ul style="list-style-type: none"> (1) Within 24 hours after the initial contact between a sexual assault victim and the investigating law enforcement agency, that investigating law enforcement agency shall give the sexual assault victim a written copy of, or access to, the following information: <ul style="list-style-type: none"> (a) Contact information for a local community-based sexual assault services program, if available. (b) Notice that he or she can have a sexual assault evidence kit administered and that he or she cannot be billed for this examination as provided in section 5a of 1976 PA 223, MCL 18.355a. (c) Notice that he or she may choose to have a sexual assault evidence kit administered without being required to participate in the criminal justice system or cooperate with law enforcement as provided in section 5a of 1976 PA 223, MCL 18.355a. (d) Notice of the right to request information under sections 5 and 6.¹ (e) Notice of the right to request a personal protection order as provided in section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a. (2) The information and notice provided under subsection (1) shall also include the notice 	<p>Mich. Comp. Laws Ann. § 752.953.</p>

<p>required under the William Van Regenmorter crime victim’s rights act, 1985 PA 87, MCL 780.751 to 780.834.</p> <p>(3) The Michigan domestic and sexual violence prevention and treatment board, in consultation with law enforcement, shall develop a sample notice card for sexual assault victims. The card shall be made available electronically to Michigan law enforcement agencies no later than June 30, 2015.</p> <p>(4) Beginning not later than September 30, 2015, law enforcement agencies shall provide sexual assault victims with the information required in subsection (1).</p> <p>¹ M.C.L.A. §§ 752.955 and 752.956.</p> <p> Under Mich. Comp. Laws Ann. § 18.355a(10), “[a] victim of sexual assault shall not be required to participate in the criminal justice system or cooperate with law enforcement as a condition of being administered a sexual assault medical forensic examination.”</p> <p> A promising practice is to ensure that law enforcement officers who work with victims of sexual assault are aware that such victims are eligible for certain rights and services regardless of whether they participate in the criminal justice system or cooperate with law enforcement.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Sexual Assault Victims’ Right to Request Information From Law Enforcement; Law Enforcement’s Response.</p> <p>(1) When a sexual assault victim requests information from an investigating law enforcement agency under section 5 or 6,¹ the law enforcement agency shall respond by telephone, in</p>	<p>Mich. Comp. Laws Ann. § 752.954.</p>

writing mailed to the sexual assault victim, or by electronic mail, as specified by the sexual assault victim. If the victim does not specify, the law enforcement agency may respond using any of the methods described in this subsection. If new or updated information becomes available after a response is given to a sexual assault victim's request, the law enforcement agency may, but is not required to, provide the new or updated information to the sexual assault victim in the absence of a new request from him or her.

(2) This section does not require the law enforcement agency to communicate with the sexual assault victim regarding information if he or she does not specifically make a request to the law enforcement agency.

(3) A sexual assault victim may designate an alternative person to receive the information requested by the sexual assault victim, and the law enforcement agency shall then direct any information to that designated person.


(4) To receive information under this section, the sexual assault victim shall provide the law enforcement agency with the name, address, telephone number, and electronic mail address of the person to whom the information should be provided.


(5) The law enforcement agency may require a sexual assault victim's request for information under this section to be in writing. If a sexual assault victim has submitted a written request for information, subsequent requests for updated information are not required to be in writing.

¹ M.C.L.A. § 752.955 or 752.956.



A promising practice is to have a policy and procedure in place to notify sexual assault victims, at the first opportunity, that they must “request” access to information about law enforcement’s investigation of their assault. It is critical that sexual assault victims are aware that they must continue to request new and updated information regarding their case.

<p>Sexual Assault Victims' Right to Information About Case Status.</p> <p>Upon request by a sexual assault victim to the investigating law enforcement agency, the sexual assault victim shall be provided with the following information if available and if the disclosure does not impede or compromise an ongoing investigation:</p> <ul style="list-style-type: none"> (a) The contact information for the officer investigating the case. (b) The current status of the case. (c) Whether the case has been submitted to the office of the prosecuting attorney for review. (d) If the case has been closed and the documented reason for closure. <p> A promising practice is to have a policy and procedure in place to notify sexual assault victims, at the first opportunity, that they must “request” access to information about law enforcement’s investigation of their assault. It is critical that sexual assault victims are aware that they must continue to request new and updated information regarding their case.</p>	<p>Mich. Comp. Laws Ann. § 752.955.</p>
<p>Sexual Assault Victims' Right to Information About DNA Testing.</p> <p>(1) Upon request by a sexual assault victim to the investigating law enforcement agency for information about DNA testing results, the sexual assault victim shall be provided with the following information if available and if the disclosure does not impede or compromise an ongoing investigation:</p> <ul style="list-style-type: none"> (a) When the sexual assault evidence kit was submitted to the forensic laboratory. (b) Whether a DNA profile of a suspect was obtained from the processing of evidence in the sexual assault case. (c) Whether a DNA profile of a suspect has been entered into any data bank designed or intended to be used for the retention or comparison of case evidence. (d) Whether there is a match between the DNA profile of a suspect obtained in the sexual 	<p>Mich. Comp. Laws Ann. § 752.956.</p>

<p>assault case to any DNA profile contained in any data bank designed or intended to be used for the retention or comparison of case evidence.</p> <p>(2) If a sexual assault victim is provided with information about forensic testing results, he or she shall also be provided with a copy of, or access to, the information handout described in subsection (3).</p> <p>(3) No later than September 30, 2015, the Michigan domestic and sexual violence prevention and treatment board, in consultation with the department of state police, shall develop an informational handout for sexual assault victims that explains the meaning of possible forensic testing results. The informational handout shall be made available electronically to Michigan law enforcement agencies.</p> <p> A promising practice is to have a policy and procedure in place to notify sexual assault victims, at the first opportunity, that they must “request” access to information from law enforcement about DNA testing results. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Sexual Assault Victim’s Access to Justice Act Does Not Create a Cause of Action for Money Damages.</p> <p>This act does not create a cause of action for monetary damages against the state, a county, a municipality, or any of their agencies, instrumentalities, or employees.</p>	<p>Mich. Comp. Laws Ann. § 752.957.</p>
<p>Domestic Violence Victims’ Rights’ Right to Information; Law Enforcement’s Obligations.</p> <p>(1) After investigating or intervening in a domestic violence incident, a peace officer shall provide the victim with a copy of the notice in this section. The notice shall be written and shall include all of the following:</p> <p>(a) The name and telephone number of the responding police agency.</p>	<p>Mich. Comp. Laws Ann. § 764.15c(1)–(4).</p>

(b) The name and badge number of the responding peace officer.

(c) Substantially the following statement:
“You may obtain a copy of the police incident report for your case by contacting this law enforcement agency at the telephone number provided.
The domestic violence shelter program and other resources in your area are (include local information).
Information about emergency shelter, counseling services, and the legal rights of domestic violence victims is available from these resources.
Your legal rights include the right to go to court and file a petition requesting a personal protection order to protect you or other members of your household from domestic abuse which could include restraining or enjoining the abuser from doing the following:

- (a) Entering onto premises.
- (b) Assaulting, attacking, beating, molesting, or wounding you.
- (c) Threatening to kill or physically injure you or another person.
- (d) Removing minor children from you, except as otherwise authorized by a custody or parenting time order issued by a court of competent jurisdiction.
- (e) Engaging in stalking behavior.
- (f) Purchasing or possessing a firearm.
- (g) Interfering with your efforts to remove your children or personal property from premises that are solely owned or leased by the abuser.
- (h) Interfering with you at your place of employment or education or engaging in conduct that impairs your employment relationship or your employment or educational environment.
- (i) Engaging in any other specific act or conduct that imposes upon or interferes with your personal liberty or that causes a reasonable apprehension of violence.
- (j) Having access to information in records concerning any minor child you have with the abuser that would inform the abuser about your address or telephone number, the child’s address or telephone number, or your employment address.


Your legal rights also include the right to go to court and file a motion for an order to show cause and a hearing if the abuser is violating or has violated a personal protection order and has not been arrested.”.

(2) The peace officer shall prepare a domestic violence report after investigating or

intervening in a domestic violence incident. Effective October 1, 2002, a peace officer shall use the standard domestic violence incident report form developed under subsection (4) or a form substantially similar to that standard form to report a domestic violence incident. The report shall contain, but is not limited to containing, all of the following:

- (a) The address, date, and time of the incident being investigated.
- (b) The victim's name, address, home and work telephone numbers, race, sex, and date of birth.
- (c) The suspect's name, address, home and work telephone numbers, race, sex, date of birth, and information describing the suspect and whether an injunction or restraining order covering the suspect exists.
- (d) The name, address, home and work telephone numbers, race, sex, and date of birth of any witness, including a child of the victim or suspect, and the relationship of the witness to the suspect or victim.
- (e) The following information about the incident being investigated:
 - (i) The name of the person who called the law enforcement agency.
 - (ii) The relationship of the victim and suspect.
 - (iii) Whether alcohol or controlled substance use was involved in the incident, and by whom it was used.
 - (iv) A brief narrative describing the incident and the circumstances that led to it.
 - (v) Whether and how many times the suspect physically assaulted the victim and a description of any weapon or object used.
 - (vi) A description of all injuries sustained by the victim and an explanation of how the injuries were sustained.
 - (vii) If the victim sought medical attention, information concerning where and how the victim was transported, whether the victim was admitted to a hospital or clinic for treatment, and the name and telephone number of the attending physician.
 - (viii) A description of any property damage reported by the victim or evident at the scene.
- (f) A description of any previous domestic violence incidents between the victim and the suspect.
- (g) The date and time of the report and the name, badge number, and signature of the peace officer completing the report.

(3) The law enforcement agency shall retain the completed domestic violence report in its

<p>files. The law enforcement agency shall also file a copy of the completed domestic violence report with the prosecuting attorney within 48 hours after the domestic violence incident is reported to the law enforcement agency.</p> <p>(4) By June 1, 2002, the department of state police shall develop a standard domestic violence incident report form.</p>	
<p>Sexual Assault and Domestic Violence Counselor Privilege.</p> <p>Except as provided by section 11 of the child protection law, Act No. 238 of the Public Acts of 1975, being section 722.631 of the Michigan Compiled Laws, a confidential communication, or any report, working paper, or statement contained in a report or working paper, given or made in connection with a consultation between a victim and a sexual assault or domestic violence counselor, shall not be admissible as evidence in any civil or criminal proceeding without the prior written consent of the victim.</p> <p> The terms used in this privilege are defined in Mich. Comp. Laws Ann. § 600.2157a(1). These definitions are included above in the section “Select Definitions.”</p>	<p>Mich. Comp. Laws Ann. § 600.2157a(2).</p>
<p>Right of Certain Victims to Confidentiality Regarding Name Change.</p> <p>(1) In a proceeding under section 1 of this chapter, the court may order for good cause that no publication of the proceeding take place and that the record of the proceeding be confidential. Good cause under this section includes, but is not limited to, evidence that publication or availability of a record of the proceeding could place the petitioner or another individual in physical danger, such as evidence that the petitioner or another individual has been the victim of stalking or an assaultive crime.</p> <p>(3) A court officer, employee, or agent who divulges, uses, or publishes, beyond the scope of his or her duties with the court, information from a record made confidential under this section is guilty of a misdemeanor. This subsection does not apply to a disclosure under a</p>	<p>Mich. Comp. Laws Ann. § 711.3.</p>

<p>court order.</p> <p>(4) A confidential record created under this section is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.</p> <p>(5) As used in this section, “stalking” means that term as defined in sections 411h and 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.</p>	
<p>Courtroom Closure During Preliminary Examinations to Protect Certain Crime Victims.</p> <p>(1) Upon the motion of any party, the examining magistrate may close to members of the general public the preliminary examination of a person charged with criminal sexual conduct in any degree, assault with intent to commit criminal sexual conduct, sodomy, gross indecency, or any other offense involving sexual misconduct if all of the following conditions are met:</p> <p>(a) The magistrate determines that the need for protection of a victim, a witness, or the defendant outweighs the public’s right of access to the examination.</p> <p>(b) The denial of access to the examination is narrowly tailored to accommodate the interest being protected.</p> <p>(c) The magistrate states on the record the specific reasons for his or her decision to close the examination to members of the general public.</p> <p>(2) In determining whether closure of the preliminary examination is necessary to protect a victim or witness, the magistrate shall consider all of the following:</p> <p>(a) The psychological condition of the victim or witness.</p> <p>(b) The nature of the offense charged against the defendant.</p> <p>(c) The desire of the victim or witness to have the examination closed to the public.</p> <p>(3) The magistrate may close a preliminary examination to protect the right of a party to a fair trial only if both of the following apply:</p> <p>(a) There is a substantial probability that the party’s right to a fair trial will be prejudiced by</p>	<p>Mich. Comp. Laws Ann. § 766.9.</p>

<p>publicity that closure would prevent. (b) Reasonable alternatives to closure cannot adequately protect the party's right to a fair trial.</p>	
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