



# Constitutional Rights

*and the*

# Crime Victim's Rights Act



Sen. Wm. Van Regenmorter  
23rd Senate District

140560

THE SENATE

TWENTY THIRD DISTRICT  
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STATE CAPITOL  
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CHAIR  
SENATE JUDICIARY COMMITTEE

LANSING, MICHIGAN

Dear Friend:

*There are more than 600,000 serious crimes in Michigan annually. Even more alarming, it is estimated that one out of three people will be a victim of crime in a lifetime. Little wonder that surveys consistently show that crime is the number one concern. Prior to 1985, the loss, hurt and fear experienced by victims was made worse by a system which provided extensive legal rights for the criminal defendant, while ignoring the victim. One victim of a vicious assault summarized the feelings of countless others when she said, "The process is about me, but without me."*

*With the assistance of many victims and advocates, I introduced the Crime Victim's Rights Act, which became law in 1985. Under this Act, victims achieved comprehensive legal rights, including: notification; protection; participation; and restitution. The law is divided into three articles: Art. I for victims of felonies and two-year misdemeanors; Art. II for victims of juvenile offenses; and Art. III for victims of "serious misdemeanors."*

*The Crime Victim's Rights Act established protections in statute law. At a higher level, however, the Constitution listed a number of important rights for the criminal defendant, but not one specific right for the victim. To ensure fundamental rights for crime victims, I introduced a constitutional amendment. It was overwhelmingly approved by the citizens of Michigan on Nov. 8, 1988 and became Art. I, Sec. 24 of the State Constitution on December 24, 1988. This was a most appropriate Christmas Eve assurance of full constitutional status to all future victims of crime in our state.*

*This book lists rights and services as well as victim advocates throughout Michigan who effectively implement the requirements of the law. The National Organization for Victim Assistance (NOVA) and the National Victim Center use our law and constitutional amendment as national models. Michigan crime victims now have the most complete legal rights in the country, finally bringing long overdue balance to a system which had previously been heavily weighted toward the criminal.*

Sincerely,

A large, handwritten signature in black ink that reads "Wm. Van Regenmorter".

Wm. VAN REGENMORTER  
State Senator

148560

# Constitutional Rights *and the* Crime Victim's Rights Act



U.S. Department of Justice  
National Institute of Justice

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# Constitution

## State of Michigan

### *Article I, Section 24*

Sec. 24. (1) Crime victims, as defined by law, shall have the following rights, as provided by law:

The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

The right to timely disposition of the case following arrest of the accused.

The right to be reasonably protected from the accused throughout the criminal justice process.

The right to notification of court proceedings.

The right to attend trial and all other court proceedings the accused has the right to attend.

The right to confer with the prosecution.

The right to make a statement to the court at sentencing.

The right to restitution.

The right to information about the conviction, sentence, imprisonment, and release of the accused.

(2) The legislature may provide by law for the enforcement of this section.

(3) The legislature may provide for an assessment against convicted defendants to pay for crime victims' rights.

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*Introduced by: Rep. Wm. Van Regenmorter (House Joint Resolution P, 84th Legislature).*

*Approved by the House of Representatives, April 20, 1988.*

*Approved by the Senate, July 12, 1988.*

*Approved by the people of Michigan, November 8, 1988.*

*Effective date, December 24, 1988.*

# CRIME VICTIM'S RIGHTS ACT

P.A. 87 of 1985

†M.C.L. 780.751 et al.

(Includes amendments)

Introduced by Rep. Van Regenmorter

AN ACT to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies.

*The People of the State of Michigan enact:*

## ARTICLE 1

### MCL 780.751

Sec. 1. This act shall be known and may be cited as the "crime victim's rights act."

### MCL 780.752

Sec. 2. (1) As used in this article:

(a) "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 to be a felony.

(b) "Defendant" means a person charged with or convicted of having committed a crime against a victim.

(c) "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.

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

(e) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a crime against a victim.

(f) "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, and a special prosecuting attorney.

(g) "Victim", except for purposes of section 16, 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), or (iv).

(ii) The following relations of a deceased victim if the relation is not the defendant:

(A) The spouse.

(B) A child 15 years of age or older if subparagraph (A) does not apply.

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†Michigan Compiled Laws.

(C) A parent if subparagraphs (A) and (B) do not apply.

(D) A sibling if subparagraphs (A) to (C) do not apply.

(E) A grandparent if subparagraphs (A) to (D) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age 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.

(2) If a victim as defined in subsection (1)(g)(i) is physically unable to exercise the privileges and rights under this article, the victim may designate his or her spouse or a child 15 years of age or older, parent, sibling, or grandparent of the victim to act in place of the victim during the duration of the physical disability. During the physical disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

### **MCL 780.753**

Sec. 3. 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:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and phone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following statement:

"If within 6 months, you are not notified of an arrest in your case, you may call [the law enforcement agency's telephone number] for the status of the case."

### **MCL 780.754**

Sec. 4. (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).

(2) The agency shall not return property which is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(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.

### **MCL 780.755**

Sec. 5. (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 phone number of the sheriff, and notice that the victim may contact the sheriff to determine whether the defendant has been released from custody.

(2) Based upon the victim's affidavit asserting 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.

#### **MCL 780.756**

Sec. 6. (1) Not later than 7 days after the arraignment of the defendant for a crime, but not less than 24 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) The rights and procedures under this article.
- (c) Details and eligibility requirements under Act No. 223 of the Public Acts of 1976, being sections 18.351 to 18.368 of the Michigan Compiled Laws.
- (d) Suggested procedures if the victim is subjected to threats or intimidation.
- (e) 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) 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 a 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 other notice or notices under this article shall keep the following persons informed of the victim's current address and phone 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 directed by the prosecuting attorney if the defendant is imprisoned.

#### **MCL 780.757**

Sec. 7. 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.

#### **MCL 780.758**

Sec. 8. (1) Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the defendant or at defendant's direction against the victim or the victim's immediate family, the prosecutor 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 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 phone number of the victim shall not be in the court file or ordinary court documents except as contained in a transcript of the trial.

### **MCL 780.759**

Sec. 9. (1) As provided in subsection (2), a speedy trial may be scheduled for any case in which the victim is averred by the prosecuting attorney to be either of the following:

- (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.

(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 10 days of the date 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 20 days from the date of the hearing.

### **MCL 780.760**

Sec. 10. 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.

### **MCL 780.761**

Sec. 11. 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.

### **MCL 780.762**

Sec. 12. 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 court for the purpose of giving testimony, is guilty of a misdemeanor, and may be punished for contempt of court.

### **MCL 780.763**

Sec. 13. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:

- (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.
- (2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.

(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:

(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.

#### **MCL 780.764**

Sec. 14. 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, Act No. 175 of the Public Acts of 1927, being section 771.14 of the Michigan Compiled Laws. A victim's written statement shall, upon the victim's request, be included in the presentence investigation report.

#### **MCL 780.765**

Sec. 15. The victim shall have the right to appear and make an oral impact statement at the sentencing of the defendant.

#### **MCL 780.766**

Sec. 16. (1) For purposes of 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; and for purposes of subsections (2), (3), (4), (7), (9), (10), (11), and (15), "victim" includes a sole proprietorship, partnership, or corporation.

(2) The court, when sentencing a defendant convicted of a crime, may 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 restitution to any victim of the defendant's course of conduct which gives rise to the conviction, or to the victim's estate.

(3) If the court does not order restitution, or orders only partial restitution under this section, the court shall state on the record the reasons for that action.

(4) If a crime results in damage to or loss or destruction of property of a victim of the offense, the order of restitution may require that the defendant do either of the following:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraphs (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:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of sentencing.

(5) If a crime results in physical or psychological injury to a victim, the order of restitution may require that the defendant do 1 or more of the following, as applicable:

(a) Pay an amount equal to the cost of actual medical and related professional services and devices relating to physical and psychological care.

(b) Pay an amount equal to the cost of actual physical and occupational therapy and rehabilitation.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the offense.

(d) Pay an amount equal to the cost of psychological and medical treatment for members of the victim's family which has been incurred as a result of the offense.

(6) If a crime resulting in bodily injury also results in the death of a victim, the order of restitution may require that the defendant pay an amount equal to the cost of actual funeral and related services.

(7) Instead of restitution under subsections (4) to (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, or make restitution to a person designated by the victim or victim's estate if that person provided services to the victim as a result of the crime.

(8) If the court orders restitution under this section, the court shall, if the victim is deceased, order that the restitution be made to the victim's estate.

(9) Any order of restitution shall be as fair as possible to the victim or victim's estate without unduly complicating or prolonging the sentencing process.

(10) The court shall not order restitution with respect to a loss for which the victim or victim's estate has received or is to receive compensation, including insurance, except that the court may, in the interest of justice, order restitution to the crime victims compensation board or to any individuals, organizations, partnerships, corporations, or governmental entities that have compensated the victim or victim's estate for such a loss to the extent of the compensation paid. 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 under that order is made.

(11) 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 victims compensation board made after an order of restitution under this section.

(12) 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. The end of the period or the last installment shall not be later than the following:

(a) The end of the period of probation, if probation is ordered.

(b) Two years after the end of imprisonment or discharge from parole, whichever occurs later, if the court does not order probation.

(c) Three years after the date of sentencing in any other case.

(13) If the defendant is placed on probation or paroled, any restitution ordered under this section shall be a condition of that probation or parole. The court may revoke probation 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, the court or parole board shall consider the defendant's employment status, earning ability, financial resources, and 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.

(14) A defendant who is required to pay restitution and who is not in willful default of the payment of the restitution, at any time, may petition the sentencing judge or his or her successor for a cancellation of any unpaid portion of restitution. If it appears to the satisfaction of the court that payment of the amount due will impose a manifest hardship on the defendant or his or her immediate family, the court may

cancel all or part of the amount due in restitution or modify the method of payment.

(15) An order of restitution may be enforced by the prosecuting attorney or a victim or victim's estate named in the order to receive the restitution in the same manner as a judgment in a civil action.

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

#### **MCL 780.767**

Sec. 17. (1) The court, in determining whether to order restitution under section 16 and the amount of that restitution, shall consider the amount of the loss sustained by any victim as a result of the offense, the financial resources and earning ability of the defendant, the financial needs of the defendant and the defendant's dependents, and such other factors as the court considers appropriate.

(2) The court may order the probation officer to obtain information pertaining to the factors set forth in subsection (1). The probation officer shall include the information collected in the presentence investigation report or in a separate report, as the court directs.

(3) The court shall disclose to both the defendant and the prosecuting attorney all portions of the presentence or other report pertaining to the matters described in subsection (1).

(4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the earning ability of the defendant and the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and the defendant's dependents shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

#### **MCL 780.768**

Sec. 18. (1) A person convicted of a crime shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that person until the victim receives any restitution or compensation ordered for him or her against the defendant and expenses of incarceration are recovered as provided in subsection (3) and until the escrow account created under subsection (2) is terminated under subsection (4).

(2) Upon the conviction of a defendant for a crime involving a victim, and after notice to any interested party, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that defendant forfeit all or any part of proceeds received or to be received by the defendant, or the defendant's representatives or assignees, from contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment. The proceeds shall be held in escrow for a period of not more than 5 years.

(3) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority for the following purposes:

(a) To satisfy an order of restitution entered under sections 16 and 17.

(b) To satisfy any civil judgment in favor of the victim against that defendant.

(c) To satisfy any reimbursement ordered under the prisoner reimbursement to the county act, Act No. 118 of the Public Acts of 1984, being sections 801.81 to 801.93 of the Michigan Compiled Laws, or ordered under the state correctional facility reimbursement act, Act No. 253 of the Public Acts of 1935, being sections 800.401 to 800.406 of the Michigan Compiled Laws.

(4) Fifty percent of the balance remaining in the escrow account at the end of the escrow period shall be payable to the defendant and the remaining 50% of the balance shall be payable to the state general fund for use of the crime victims compensation board to pay compensation claims.

#### **MCL 780.768a**

Sec. 18a. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the defendant has filed an appeal of his or her conviction.

(b) A brief explanation in plain English of the appeal process, including the possible dispositions.

(c) Whether the defendant has been released on bail or other recognizance pending the disposition of the appeal.

(d) The time and place of any appellate court proceedings and any changes in the time or place of those proceedings.

(e) The result of the appeal.

(2) In the event the defendant's conviction is reversed and the case is returned to the trial court for further proceedings, the victim shall have the same rights previously requested during the proceedings which led to the appeal.

#### **MCL 780.769**

Sec. 19. (1) Upon the written request of a victim of a crime, the sheriff or the department of corrections shall mail to the victim the following, as applicable, about a prisoner who has been sentenced to imprisonment under the jurisdiction of the sheriff or the department for commission of that crime:

(a) Within 30 days after the request, notice of the sheriff's calculation of the earliest release date of the prisoner, or the department's calculation of the earliest parole eligibility date of the prisoner, with all potential good time or disciplinary credits considered if the sentence of imprisonment exceeds 90 days. The victim may request 1-time only notice of the calculation described in this subdivision.

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

(c) Notice of the release or pending release of the prisoner in a community residential program, under extended furlough, or any other transfer of a prisoner to community status.

(d) Notice of any reduction in the minimum sentence resulting under the prison overcrowding emergency powers act, Act No. 519 of the Public Acts of 1980, being sections 800.71 to 800.79 of the Michigan Compiled Laws.

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

(f) Notice of 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, as provided in section 21.

(g) 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(3).

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

(i) Notice of a public hearing pursuant to section 44 of Act No. 232 of the Public Acts of 1953, being section 791.244 of the Michigan Compiled Laws, 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.

(2) A victim's address and telephone number maintained by a sheriff or the department of corrections pursuant to a request for notice under subsection (1) shall be exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

#### **MCL 780.770**

Sec. 20. (1) As provided in subsection (2) or (3), a victim who requests notice of the escape and the prosecuting attorney who is prosecuting or has prosecuted the crime for which the person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice.

(2) If the escape occurs before the sentence is executed or before the defendant is delivered to the department of corrections, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.

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

#### **MCL 780.771**

Sec. 21. (1) A victim shall have the 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.

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

(3) A victim shall receive notice of the decision of the board or panel and, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board or panel reaches its decision but not later than 14 days after the board or panel has reached its decision.

#### **MCL 780.772**

Sec. 22. 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.

**MCL 780.773**

Sec. 23. 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.

**MCL 780.774**

Sec. 24. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

**MCL 780.775**

Sec. 25. (1) This article shall take effect October 9, 1985.

(2) This article shall apply only to crimes committed on or after October 9, 1985.

**ARTICLE 2**

**MCL 780.781**

Sec. 31. (1) As used in this article:

(a) "Court" means the juvenile division of the probate court.

(b) "Juvenile" means a child within the jurisdiction of the juvenile division of the probate court pursuant to section 2(a)(1) of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, for an offense.

(c) "Offense" means 1 of the following:

(i) A violation of a penal law of this state for which a juvenile offender, if convicted as an adult, may be punished by imprisonment for more than 1 year, or an offense expressly designated by law to be a felony.

(ii) A violation of section 81, 81a, 115, 145a, 234, or 235 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.81, 750.81a, 750.115, 750.145a, 750.234, and 750.235 of the Michigan Compiled Laws.

(iii) A violation of section 617a, or if the violation involves an accident resulting in injury to another's person, section 625 or 625b of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.617a, 257.625, and 257.625b of the Michigan Compiled Laws.

(iv) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (i) to (iii).

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

(e) "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, and 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.

(f) "Victim", except for the purposes of section 44, means any of the following:

(i) A person who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense, except as provided in subparagraph (ii), (iii), or (iv).

(ii) The following relations of a deceased victim if the relation is not the juvenile offender:

(A) The spouse.

(B) A child 15 years of age or older if subparagraph (A) does not apply.

(C) A parent if subparagraphs (A) and (B) do not apply.

(D) A sibling if subparagraphs (A) to (C) do not apply.

(E) A grandparent if subparagraphs (A) to (D) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age 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.

(2) If a victim as defined in subsection (1)(f)(i) is physically unable to exercise the privileges and rights under this article, the victim may designate his or her spouse or a child 15 years of age or older, parent, sibling, or grandparent of the victim to act in place of the victim during the duration of the physical disability. During the physical disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

### **MCL 780.782**

Sec. 32. Within 24 hours after the initial contact between the victim of a reported offense and the law enforcement agency having the responsibility for investigating that offense, that agency shall give to the victim the following information:

(a) The availability of emergency and medical services, if applicable.

(b) The availability of victim's compensation benefits and the address of the crime victims compensation board.

(c) The address and phone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.

(d) The following statement: "If within 6 months you are not notified of an arrest in your case, you may call [the law enforcement agency's telephone number] for the status of the case."

### **MCL 780.783**

Sec. 33. (1) The law enforcement agency having responsibility for investigating a reported offense shall promptly return to the victim property belonging to that victim that is taken in the course of the investigation, except as provided in subsections (2) to (4).

(2) The agency shall not return property that is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the offense 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.

### **MCL 780.784**

Sec. 34. The investigating agency that files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense shall file with the complaint or petition a separate statement listing any known victims of the juvenile offense and their addresses and phone numbers. This separate statement shall not be a matter of public record.

### **MCL 780.785**

Sec. 35. (1) If the juvenile has been placed in a detention facility, not later than 24 hours after the preliminary hearing of that juvenile for a juvenile offense, the court shall give to the victim the phone number of the detention facility and notice that the victim may contact the detention facility to determine whether the juvenile has been released from custody.

(2) Based upon the victim's affidavit asserting acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move that the juvenile be placed in detention.

### **MCL 780.786**

Sec. 36. (1) Within 72 hours after the investigating agency files a complaint or submits a petition seeking to invoke the court's jurisdiction for a juvenile offense, the court 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 juvenile offense case, including the fact that a juvenile may be waived to the court of general criminal jurisdiction.

(b) The rights and procedures under this article.

(c) Details and eligibility requirements under Act No. 223 of the Public Acts of 1976, being sections 18.351 to 18.368 of the Michigan Compiled Laws.

(d) Suggested procedures if the victim is subjected to threats or intimidation.

(e) The person to contact for further information.

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

(3) If the prosecuting attorney makes an appearance in the case, 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 a juvenile offense, including the victim's views about dismissal, waiver, and disposition negotiations.

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

(a) The court.

(b) If the juvenile is made a ward of the state, the department of social services.

### **MCL 780.787**

Sec. 37. The court shall provide a waiting area for the victim separate from the juvenile, the juvenile's relatives, and the juvenile's 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 the juvenile, the juvenile's relatives, and the juvenile's witnesses during court proceedings.

### **MCL 780.788**

Sec. 38. Based upon the victim's reasonable apprehension of acts or threats of physical violence or intimidation by the juvenile or at the juvenile's direction against the victim or the victim's immediate family, the prosecuting attorney may move or,

in the absence of a prosecuting attorney, the victim may request that the victim or any other witness not be compelled to testify at any court hearing 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.

#### **MCL 780.789**

Sec. 39. The victim has the right to be present throughout the entire contested adjudicative hearing or waiver hearing of the juvenile, unless the victim is going to be called as a witness. If the victim is going to be called as a witness, the court, for good cause shown, may order the victim to be sequestered until the victim first testifies.

#### **MCL 780.790**

Sec. 40. 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 court for the purpose of giving testimony, is guilty of a misdemeanor, and may be punished for contempt of court.

#### **MCL 780.791**

Sec. 41. (1) The court, upon and in accordance with the request of the victim, shall give to the victim notice of both of the following:

- (a) The offenses for which the juvenile was adjudicated.
- (b) The victim's right to make a written or oral impact statement at a disposition hearing.
- (c) The time and place of the disposition proceeding.

(2) If there is to be a report prepared for the purpose of disposition concerning the juvenile, the person preparing the report shall give notice to the victim of all of the following:

(a) The victim's right to make a written or oral impact statement for use in the preparation of the report.

(b) The address and telephone number of the person who is to prepare the report.

(c) That the report and any statement of the victim included in the report will be made available to the juvenile unless exempted from disclosure by the court.

(3) A notice given under subsections (1) and (2) shall inform the victim that his or her impact statement may include, but shall not be limited to, the following:

(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 disposition.

#### **MCL 780.792**

Sec. 42. If there is to be a report prepared for the purpose of disposition concerning the juvenile, the victim shall be permitted to submit a written or oral

impact statement to the person preparing the report for use by that person in the preparation of the report. Upon the victim's request, a victim's written statement shall be included in the report.

#### MCL 780.793

Sec. 43. (1) The victim shall have the right to appear and make an oral impact statement at the disposition of the juvenile.

(2) Upon request, the victim shall be notified by the court of the disposition of the juvenile's offense not more than 14 days after the disposition is made.

#### MCL 780.794

Sec. 44. (1) For purposes of this section only, "victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of an offense; and for purposes of subsections (2), (4), (7), (9), (10), (11), and (15), "victim" includes a sole proprietorship, partnership, or corporation.

(2) The court, at the dispositional hearing for a juvenile offense, may order, in addition to or in lieu of any other disposition authorized by law, that the juvenile make restitution to any victim or victim's estate of the juvenile's course of conduct which gives rise to the disposition.

(3) If the court does not order restitution, or orders only partial restitution under this section, the court shall state on the record the reasons for that action.

(4) If a juvenile offense results in damage to or loss or destruction of property of a victim of the offense, the order of restitution may require that the juvenile do either of the following:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraphs (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:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of disposition.

(5) If a juvenile offense results in physical or psychological injury to a victim, the order of restitution may require that the juvenile do 1 or more of the following, as applicable:

(a) Pay an amount equal to the cost of actual medical and related professional services and devices relating to physical and psychological care.

(b) Pay an amount equal to the cost of actual physical and occupational therapy and rehabilitation.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the offense.

(d) Pay an amount equal to the cost of psychological and medical treatment for members of the victim's family which has been incurred as a result of the offense.

(6) If a juvenile offense resulting in bodily injury also results in the death of a victim, the order of restitution may require that the juvenile pay an amount equal to the cost of actual funeral and related services.

(7) Instead of restitution under subsections (4) to (6), if the victim or victim's estate consents, the order of restitution may require that the juvenile make restitution in services in lieu of money, or make restitution to a person designated by the victim or victim's estate if that person provided services to the victim as a result of the offense.

(8) If the court orders restitution under this section, the court shall, if the victim is deceased, order that the restitution be made to the victim's estate.

(9) Any order of restitution shall be as fair as possible to the victim or victim's estate without unduly complicating or prolonging the disposition process.

(10) The court shall not order restitution with respect to a loss for which the victim or victim's estate has received or is to receive compensation, including insurance, except that the court may, in the interest of justice, order restitution to the crime victims compensation board or to any individuals, organizations, partnerships, corporations, or governmental entities that have compensated the victim or victim's estate for such a loss to the extent of the compensation paid. 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 under that order is made.

(11) 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 victims compensation board made after an order of restitution under this section.

(12) If not otherwise provided by the court under this subsection, restitution shall be made immediately. However, the court may require that the juvenile make restitution under this section within a specified period or in specified installments. The end of the period or the last installment shall not be later than the following:

(a) The end of the period of probation, if probation is ordered.

(b) If the juvenile is made a state ward, when the department of social services' jurisdiction over the juvenile expires.

(c) If the juvenile is made a ward of the court, when the court's jurisdiction over the juvenile expires.

(d) Three years after the date of disposition or when the court's jurisdiction over the juvenile expires, whichever is later.

(13) If the juvenile is placed on probation, any restitution ordered under this section shall be a condition of that probation. The court may revoke probation if the juvenile fails to comply with the order and if the juvenile has not made a good faith effort to comply with the order. In determining whether to revoke probation, the court shall consider the juvenile's employment status, earning ability, financial resources, and the willfulness of the juvenile's failure to pay, and any other special circumstances that may have a bearing on the juvenile's ability to pay.

(14) A juvenile who is required to pay restitution and who is not in willful default of the payment of the restitution, at any time, may petition the court for a cancellation of any unpaid portion of restitution. If it appears to the satisfaction of the court that payment of the amount due will impose a manifest hardship on the juvenile or his or her immediate family, the court may cancel all or part of the amount due in restitution or modify the method of payment.

(15) An order of restitution may be enforced by the prosecuting attorney or a victim or victim's estate named in the order to receive the restitution in the same manner as a judgment in a civil action.

(16) Notwithstanding any other provision of this section, a juvenile shall not be detained for a violation of probation, or otherwise, for failure to pay restitution as

ordered under this section unless the court determines that the juvenile has the resources to pay the ordered restitution and has not made a good faith effort to do so.

(17) If the juvenile is unable to pay all of the restitution ordered, after notice to the juvenile's custodial parent and an opportunity for the parent to be heard, the court may order the custodial parent to pay all or part of the unpaid portion of the restitution ordered. The amount of restitution the parent is ordered to pay under this subsection shall not exceed \$2,500.00.

(18) If the court orders the custodial parent to pay restitution under subsection (17), the court shall take into account the financial resources of the parent and the burden that the payment of restitution will impose, with due regard to any other moral or legal financial obligations that the parent may have. If a parent is required to pay restitution under subsection (17), the court shall provide for payment to be made in specified installments and within a specified period of time.

(19) A parent who has been ordered to pay restitution under subsection (17) may petition the court for a modification of the amount of restitution owed or for a cancellation of any unpaid portion of the restitution. The court shall cancel all or part of the amount of restitution due, if it appears to the satisfaction of the court that payment of the amount due will impose a manifest hardship on the parent.

#### **MCL 780.795**

Sec. 45. (1) The court, in determining whether to order restitution under section 44 and the amount of that restitution, shall consider the amount of the loss sustained by any victim as a result of the offense, the financial resources and earning ability of the juvenile, the financial needs of the juvenile and the juvenile's dependents, and such other factors as the court considers appropriate.

(2) The court may order the person preparing a report for the purpose of disposition to obtain information pertaining to the factors set forth in subsection (1). That person shall include the information collected in the disposition report or in a separate report, as the court directs.

(3) The court shall disclose to both the juvenile and the prosecuting attorney all portions of the disposition or other report pertaining to the matters described in subsection (1).

(4) Any dispute as to the proper amount or type of restitution shall be resolved by the court by a preponderance of the evidence. The burden of demonstrating the earning ability of the juvenile and the amount of the loss sustained by a victim as a result of the offense shall be on the prosecuting attorney. The burden of demonstrating the financial resources of the juvenile and the financial needs of the juvenile and the juvenile's dependents shall be on the juvenile. The burden of demonstrating such other matters as the court considers appropriate shall be upon the party designated by the court as justice requires.

#### **MCL 780.796**

Sec. 46. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the juvenile has filed an appeal of his or her adjudication.

(b) A brief explanation in plain English of the appeal process, including the possible dispositions.

(c) Whether the juvenile has been released on bail or other recognizance pending the disposition of the appeal.

(d) The time and place of any appellate court proceedings and any changes in the time or place of those proceedings.

(e) The result of the appeal.

(2) In the event the juvenile's adjudication is reversed and the case is returned to the trial court for further proceedings, the victim shall have the same rights previously requested during the proceedings which led to the appeal.

#### **MCL 780.797**

Sec. 47. (1) A juvenile adjudicated for an offense shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that juvenile until the victim receives any restitution or compensation ordered for him or her against the juvenile and expenses of incarceration are recovered as provided in subsection (3) and until the escrow account created under subsection (2) is terminated under subsection (4).

(2) Upon the disposition of a juvenile offense involving a victim, and after notice to any interested party, an attorney for the county in which the disposition occurred or the attorney general may petition the court in which the disposition occurred to order that juvenile forfeit all or any part of proceeds received or to be received by the juvenile, or the juvenile's representatives or assignees, from contracts relating to the depiction of the offense or the juvenile's recollections, thoughts, or feelings about the offense, in books, magazines, media entertainment, or live entertainment. The proceeds shall be held in escrow for a period of not more than 5 years.

(3) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority for the following purposes:

(a) To satisfy an order of restitution entered under sections 44 and 45.

(b) To satisfy any civil judgment in favor of the victim against that juvenile.

(c) To satisfy any reimbursement ordered under section 18 of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws.

(4) Fifty percent of the balance remaining in the escrow account at the end of the escrow period shall be payable to the juvenile and the remaining 50% of the balance shall be payable to the state general fund for use of the crime victims compensation board to pay compensation claims.

#### **MCL 780.798**

Sec. 48. (1) Upon request, the court or the department of social services shall make a good faith effort to notify the victim before either of the following occurs:

(a) The juvenile is dismissed from court jurisdiction or discharged from the department of social services jurisdiction.

(b) The juvenile is transferred from a secure detention or treatment facility to a nonsecure residential treatment facility located in the county in which the victim resides.

(2) If the court or department of social services is not successful in notifying the victim before subsection (1)(a) or (b) occurs, the court or department of social services shall notify the victim as soon as possible after the occurrence of subsection (1)(a) or (b).

(3) Upon the victim's request, the department of social services or the court shall give to the victim notice of a juvenile's escape from a secure detention or treatment facility. A victim who requests notice of an escape shall be given immediate notice of the escape by any means reasonably calculated to give prompt actual notice.

**MCL 780.799**

Sec. 49. If requested, a victim shall be provided with a certified copy of the order of an adjudicative hearing for purposes of obtaining relief pursuant to section 2913 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2913 of the Michigan Compiled Laws.

**MCL 780.800**

Sec. 50. Nothing in this article shall be construed as creating a cause of action for money damages against the state, a county, or a municipality or any of their agencies, instrumentalities, or employees.

**MCL 780.801**

Sec. 51. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the juvenile to seek to have any proceeding set aside.

**MCL 780.802**

Sec. 52. (1) This article shall take effect June 1, 1988.

(2) This article shall apply only to offenses committed on or after June 1, 1988.

**ARTICLE 3**

**MCL 780.811**

Sec. 61. (1) As used in this article:

(a) "Serious misdemeanor" means 1 of the following misdemeanors:

(i) A violation of section 81 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.81 of the Michigan Compiled Laws, assault and battery.

(ii) A violation of section 81a of Act No. 328 of the Public Acts of 1931, being section 750.81a of the Michigan Compiled Laws, assault; infliction of serious injury.

(iii) A violation of section 115 of Act No. 328 of the Public Acts of 1931, being section 750.115 of the Michigan Compiled Laws, breaking and entering or illegal entry.

(iv) A violation of section 145a of Act No. 328 of the Public Acts of 1931, being section 750.145a of the Michigan Compiled Laws, enticing a child for immoral purposes.

(v) A violation of section 234 of Act No. 328 of the Public Acts of 1931, being section 750.234 of the Michigan Compiled Laws, discharge of a firearm intentionally aimed at a person.

(vi) A violation of section 235 of Act No. 328 of the Public Acts of 1931, being section 750.235 of the Michigan Compiled Laws, discharge of an intentionally aimed firearm resulting in injury.

(vii) A violation of section 617a of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.617a of the Michigan Compiled Laws, leaving the scene of a personal injury accident.

(viii) A violation of section 625 or 625b of Act No. 300 of the Public Acts of 1949, being sections 257.625 and 257.625b of the Michigan Compiled Laws, operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury to another's person.

(ix) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (i) to (viii).

(b) "Defendant" means a person charged with or convicted of having committed a serious misdemeanor against a victim.

(c) "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.

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

(e) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a serious misdemeanor against a victim.

(f) "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, and 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.

(g) "Victim", except for purposes of section 76, 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), or (iv).

(ii) The following relations of a deceased victim if the relation is not the defendant:

(A) The spouse.

(B) A child 15 years of age or older if subparagraph (A) does not apply.

(C) A parent if subparagraphs (A) and (B) do not apply.

(D) A sibling if subparagraphs (A) to (C) do not apply.

(E) A grandparent if subparagraphs (A) to (D) do not apply.

(iii) A parent, guardian, or custodian of a victim who is less than 18 years of age 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.

(2) If a victim as defined in subsection (1)(g)(i) is physically unable to exercise the privileges and rights under this article, the victim may designate his or her spouse or a child 15 years of age or older, parent, sibling, or grandparent of the victim to act in place of the victim during the duration of the physical disability. The victim shall inform the prosecuting attorney of who is to act in place of the victim. During the physical disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) An individual who is charged with a serious misdemeanor or a crime as defined in article 1 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.

## MCL 780.812

Sec. 62. 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.

## MCL 780.813

Sec. 63. Within 24 hours after the initial contact between the victim of a reported serious misdemeanor and the law enforcement agency having the responsibility for

investigating that serious misdemeanor, that agency shall give to the victim the following information:

- (a) The availability of emergency and medical services, if applicable.
- (b) The availability of victim's compensation benefits and the address of the crime victims compensation board.
- (c) The address and phone number of the prosecuting attorney whom the victim should contact to obtain information about victim's rights.
- (d) The following statement:

"If within 6 months, you are not notified of an arrest in your case, you may call [the law enforcement agency's telephone number] for the status of the case."

#### **MCL 780.814**

Sec. 64. (1) The law enforcement agency having responsibility for investigating a reported serious misdemeanor 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).

(2) The agency shall not return property which is contraband.

(3) The agency shall not return property if the ownership of the property is disputed until the dispute is resolved.

(4) The agency shall retain as evidence any weapon used in the commission of the serious misdemeanor 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.

#### **MCL 780.815**

Sec. 65. (1) Not 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.

(2) If the victim submits an affidavit asserting 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, based on the victim's affidavit, may move that the bond or personal recognizance of a defendant be revoked.

#### **MCL 780.816**

Sec. 66. (1) If a plea of guilty or nolo contendere is accepted by the court at the time of the 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 also notify the prosecuting attorney within 48 hours after the arraignment. A notice to the prosecuting attorney under this subsection shall include the name, address, and phone number of the victim. 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) The rights and procedures under this article.

(c) Details and eligibility requirements under Act No. 223 of the Public Acts of 1976, being sections 18.351 to 18.368 of the Michigan Compiled Laws.

(d) Suggested procedures if the victim is subjected to threats or intimidation.

(e) 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.

(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 any other notice or notices under this article shall keep the following persons informed of the victim's current address and phone number:

(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.

#### **MCL 780.817**

Sec. 67. 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.

#### **MCL 780.818**

Sec. 68. Based upon the victim's reasonable apprehension of acts or threats of physical violence 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.

#### **MCL 780.819**

Sec. 69. An expedited trial may be scheduled for any case in which the victim is averred by the prosecuting attorney to be a child.

#### **MCL 780.820**

Sec. 70. Upon request of the victim, the prosecuting attorney shall confer with the victim prior to the trial of the defendant.

#### **MCL 780.821**

Sec. 71. 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.

### **MCL 780.822**

Sec. 72. 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 court for the purpose of giving testimony, is guilty of a misdemeanor and may be punished for contempt of court.

### **MCL 780.823**

Sec. 73. (1) The prosecuting attorney, upon and in accordance with the request of the victim, shall give to the victim notice of the following:

- (a) The defendant's conviction.
- (b) The offenses for which the defendant was convicted.

(c) If a presentence investigation report is to be prepared, the victim's right to make a written or oral impact statement for use in the preparation of the 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.

(2) The notice given by the prosecuting attorney to the victim must be given by any means reasonably calculated to give prompt actual notice.

(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:

(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.

### **MCL 780.824**

Sec. 74. If a presentence investigation report concerning the defendant is prepared, 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 the report pursuant to section 14 of chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 771.14 of the Michigan Compiled Laws. A victim's written statement shall, upon the victim's request, be included in the presentence investigation report.

### **MCL 780.825**

Sec. 75. If no presentence report is prepared, the court shall notify the prosecuting attorney of the date and time of sentencing at least 10 days prior to the sentencing. The victim shall have the right to submit a written impact statement and shall have the right to appear and make an oral impact statement at the sentencing of the defendant. The court shall consider the victim's statement in imposing sentence on the defendant.

**MCL 780.826**

Sec. 76. (1) As used in this section:

(a) "Victim" means an individual who suffers actual financial loss or expense as a result of the commission of a misdemeanor, and for purposes of subsections (2), (3), (4), (6), (8), (9), and (10), victim includes a sole proprietorship, partnership, or corporation.

(b) "Misdemeanor" means a violation of a law of this state, or of a local ordinance substantially corresponding to a law of this state, that is punishable by imprisonment for not more than 1 year or by a fine that is not a civil fine, but is not a felony.

(2) The court, when sentencing a defendant convicted of a misdemeanor, may 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 restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate.

(3) If the court does not order restitution, or orders only partial restitution under this section, the court shall state on the record the reasons for that action.

(4) If a misdemeanor results in damage to or loss or destruction of property of a victim of the offense, the order of restitution may require that the defendant do either of the following:

(a) Return the property to the owner of the property or to a person designated by the owner.

(b) If return of the property under subdivision (a) is impossible, impractical, or inadequate, pay an amount equal to the greater of subparagraphs (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:

(i) The value of the property on the date of the damage, loss, or destruction.

(ii) The value of the property on the date of sentencing.

(5) If a misdemeanor results in physical injury to a victim, the order of restitution may require that the defendant do 1 or more of the following, as applicable:

(a) Pay an amount equal to the cost of the victim's actual medical and related professional services and devices relating to the physical care.

(b) Pay an amount equal to the cost of the victim's actual physical and occupational therapy and rehabilitation.

(c) Reimburse the victim or the victim's estate for after-tax income loss suffered by the victim as a result of the offense.

(6) Instead of restitution under subsections (4) and (5), 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, or make restitution to a person designated by the victim or victim's estate if that person provided services to the victim as a result of the misdemeanor.

(7) If the court orders restitution under this section, the court shall, if the victim is deceased, order that the restitution be made to the victim's estate.

(8) Any order of restitution shall be as fair as possible to the victim or victim's estate without unduly complicating or prolonging the sentencing process.

(9) The court shall not order restitution with respect to a loss for which the victim or victim's estate has received or is to receive compensation, including insurance, except that the court may, in the interest of justice, order restitution to the crime victims compensation board or to any individuals, organizations, partnerships, corporations, or governmental entities that have compensated the victim or victim's estate for such a loss to the extent of the compensation paid. 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 under that order is made.

(10) 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 victims compensation board made after an order of restitution under this section.

(11) 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.

(12) In determining the amount of restitution, the court shall consider the defendant's earning ability, financial resources, and any other special circumstances that may have a bearing on the defendant's ability to pay.

#### **MCL 780.827**

Sec. 77. Upon the request of a victim, the prosecuting attorney shall, within 30 days after the final disposition of the case, notify the victim in writing of the final disposition of the case.

#### **MCL 780.828**

Sec. 78. (1) Upon the request of the victim, the prosecuting attorney shall notify the victim of the following:

(a) That the defendant has filed an appeal of his or her conviction.

(b) A brief explanation in plain English of the appeal process, including the possible dispositions.

(c) Whether the defendant has been released on bail or other recognizance pending the disposition of the appeal.

(d) The time and place of any appellate court proceedings and any changes in the time or place of those proceedings.

(e) The result of the appeal.

(2) In the event the defendant's conviction is reversed and the case is returned to the trial court for further proceedings, the victim shall have the same rights previously requested during the proceedings which led to the appeal.

#### **MCL 780.829**

Sec. 79. (1) Upon the written request of the victim, the sheriff shall notify the victim of the earliest possible release date of the defendant if the defendant is sentenced to more than 92 days' imprisonment.

(2) The victim's written request for notice under this section shall include the victim's address.

#### **MCL 780.830**

Sec. 80. A victim's address and telephone number maintained by a court or a sheriff pursuant to this article is exempt from disclosure under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

#### **MCL 780.831**

Sec. 81. (1) A person convicted of a serious misdemeanor shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that person until the victim receives any restitution or

compensation ordered for him or her against the defendant and expenses of incarceration are recovered as provided in subsection (3) and until the escrow account created under subsection (2) is terminated under subsection (4).

(2) Upon the conviction of a defendant for a serious misdemeanor involving a victim, and after notice to any interested party, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that defendant forfeit all or any part of proceeds received or to be received by the defendant, or the defendant's representatives or assignees, from contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment. The proceeds shall be held in escrow for a period of not more than 5 years.

(3) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority for the following purposes:

(a) To satisfy an order of restitution entered under section 76.

(b) To satisfy any civil judgment in favor of the victim against that defendant.

(c) To satisfy any reimbursement ordered under the prisoner reimbursement to the county act, Act No. 118 of the Public Acts of 1984, being sections 801.81 to 801.93 of the Michigan Compiled Laws, or ordered under the state correctional facility reimbursement act, Act No. 253 of the Public Acts of 1935, being sections 800.401 to 800.406 of the Michigan Compiled Laws.

(4) Fifty percent of the balance remaining in the escrow account at the end of the escrow period shall be payable to the defendant and the remaining 50% of the balance shall be payable to the state general fund for use of the crime victims compensation board to pay compensation claims.

#### **MCL 780.832**

Sec. 82. 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, instrumentalities, or employees.

#### **MCL 780.833**

Sec. 83. The failure to provide a right, privilege, or notice to a victim under this article shall not be grounds for the defendant to seek to have the conviction or sentence set aside.

#### **MCL 780.834**

Sec. 84. (1) This article shall take effect June 1, 1988.

(2) This article shall apply only to misdemeanors committed on or after June 1, 1988.

# S U M M A R Y

## P.A. 87, 1985 Crime Victim's Rights Act

- ARTICLE I** (Applies to victims of felonies and 2 year misdemeanors.)
- Section 2.** Definition of crime includes felonies and 2 year misdemeanors.  
• Various definitions.
- Section 3.** Within 24 hours law enforcement agency provides victim with following information:  
• Emergency services.  
• Victim's compensation details.  
• Victim's rights contact in prosecutor's office.  
• Who to contact if no arrest within 6 months.
- Section 4.** Law enforcement agency:  
• Returns victim's property promptly.  
• Also allows for photos so evidence property can be returned.
- Section 5.** Law enforcement:  
• Provides notice of availability of pretrial release.  
• Provides method for victim to know if defendant is released from custody before trial.  
• Bond revocation procedure if victim certifies threats or intimidation.
- Section 6.** Prosecutor notifies victim in plain English of:  
• Rights and procedures under this article.  
• Statement of the court process.  
• Victim's compensation details.  
• Threat and intimidation information and procedures for protection.  
• Schedule of court proceedings and changes.  
• Consultation about disposition of case, including plea bargaining.  
• Address requirement.
- Section 7.** Court to provide separate waiting area for victim separate from defendant or defense witnesses.
- Section 8.** Confidentiality of victim's address, place of employment, etc.
- Section 9.** Speedy trial for child abuse and criminal sexual conduct cases.
- Section 10.** Upon request, victim confers with prosecutor prior to jury selection and trial.
- Section 11.** Right of victim to be present at trial.
- Section 12.** Victim protection from employer discipline for required court appearances.
- Section 13.** Notice to victim of:  
• Conviction.  
• Crimes of conviction.  
• Right to presentence report impact statement and notice statement may be available to defendant.

- Right to impact statement at sentencing.
- Time and place of sentence.
- Detail of impact statement.

Section 14. Presentence victim impact statement.

Section 15. Right to impact statement at sentencing.

Section 16. Restitution:

- Individuals and businesses are eligible.
- Property return or restoration.
- Cost of physical or psychological care.
- Loss of income.
- Funeral expenses.
- Services in lieu of money.
- Time limits.
- Restitution as a condition of probation or parole.
- Enforcement of restitution.

Section 17. Court consideration in determining restitution.

Section 18. "Son of Sam" requirement provides for profits from crime story in escrow 5 years. Proceeds to be used for:

- Restitution to the victim.
- Satisfying civil judgment against defendant in favor of victim.
- Payment for room and board in jail or prison.
- Balance, if any, split between the state and defendant's family.

Section 18a. Notice to victim of:

- Appeal.
- Explanation of appeal procedure.
- Time and place.
- Result of appeal.

Section 19. Notice to victim of:

- Earliest projected prison release date.
- Transfer to minimum security.
- Release to community program.
- Escape.
- Parole board hearing.
- Decision of parole board.
- Release or discharge.

Section 20. Notice of escape detail including notice to prosecutor.

Section 21. Right to address parole board.

Section 22. Notice of final disposition.

ARTICLE II (Public Act 22, 1988. Applies to victims of crimes committed by juveniles. Takes effect June 1, 1988.)

Section 31. Definition of offense includes felonies, 2 year misdemeanors and the following misdemeanors:

- Assault and battery.

- Assault with infliction of serious injury.
- Breaking and entering or illegal entry.
- Enticing a child for immoral purposes.
- Discharge of a firearm intentionally aimed at a person.
- Discharge of an intentionally aimed firearm resulting in injury.
- Leaving the scene of a personal injury accident.
- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury to another's person.
- Violation of a local ordinance corresponding to any of these offenses.

**Section 32.** Within 24 hours law enforcement agency provides victim with following information:

- Emergency services.
- Victim compensation details.
- Victim's rights contact in prosecutor's office.
- Who to contact if no arrest within 6 months.

**Section 33.** Law enforcement:

- Returns victim's property promptly.
- Also allows for photos so evidence property can be returned.

**Section 34.** Investigating agency includes a separate, confidential statement listing any known victims.

**Section 35.** Law enforcement:

- Provides method for victim to know if defendant is held in detention prior to preliminary hearing.
- Prosecutor may move that juvenile be placed in detention if victim certifies threats or intimidation.

**Section 36.** Within 24 hours after a petition is filed, the probate court provides victim with plain English explanation of:

- Rights and procedures under this article.
- A summary of the processing of a juvenile offense case, including the possibility of its waiver to adult court.
- Victims compensation details.
- Threat and intimidation information and procedures for protection.
- Schedule of court proceedings and changes.
- Provided prosecutor is involved in case, consultation about disposition of case, including plea bargaining.
- Address requirement.

**Section 37.** Court to provide waiting area for victim separate from defendant or defense witnesses.

**Section 38.** Prosecutor or victim moves that victim or witness not be compelled to testify to protect identity.

**Section 39.** Right of victim to be present at trial.

**Section 40.** Victim protection from employer discipline for required court appearances.

- Section 41.** Court notifies victim of:
- Adjudicated offenses.
  - Right to impact statement at disposition hearing.
  - Time and place of disposition hearing.
- If a predisposition report is written, writer notifies victim of:
- Right to impact statement to be used in report's preparation.
  - Availability of report and statement to juvenile unless exempted by the court.
  - Information for contacting writer of report.
  - Details of impact statement.
- Section 42.** Right to have impact statement included in predisposition report if one is written.
- Section 43.** Right to impact statement at disposition. Court notifies victim of disposition within 14 days.
- Section 44.** Restitution:
- Property return or restoration.
  - Cost of physical or psychological care.
  - Loss of income.
  - Funeral expenses.
  - Services in lieu of money.
  - Time limits.
  - Restitution as a condition of probation or parole.
  - Enforcement of restitution.
  - Individuals and businesses are eligible.
  - Responsibility of custodial parent.
- Section 45.** Court consideration in determining restitution.
- Section 46.** Prosecuting attorney notifies victim of:
- Filing of an appeal.
  - Appeal procedures.
  - Time and place of appeal hearing.
  - Result of appeal.
  - Juvenile's release on bail pending disposition of appeal.
- Section 47.** Profit from crime story to be placed in escrow 5 years. Proceeds to be used for:
- Restitution to victim.
  - Satisfying civil judgment against defendant in favor of victim.
  - Payment for room and board in jail or prison.
  - Balance, if any, split between the state and defendant's family.
- Section 48.** Court (if juvenile is ward of court) or Department of Social Services (if juvenile is ward of state) notifies victim of:
- Juvenile's dismissal from jurisdiction.
  - Juvenile's transfer to nonsecure facility in county in which victim resides.
  - Escape.

**Section 49.** Certified copy of the order of an adjudicative hearing provided to victim.

**ARTICLE III** (Public Act 21, 1988. Applies to victims of serious misdemeanors. Takes effect June 1, 1988.)

**Section 61.** Definition of serious misdemeanor includes:

- Assault and battery.
- Assault with infliction of serious injury.
- Breaking and entering or illegal entry.
- Enticing a child for immoral purposes.
- Discharge of a firearm intentionally aimed at a person.
- Discharge of an intentionally aimed firearm resulting in injury.
- Leaving the scene of a personal injury accident.
- Operating a vehicle while under the influence of or impaired by alcohol or a controlled substance, if the violation involves an accident resulting in injury to another's person.
- Violation of a local ordinance corresponding any of these offenses.

**Section 62.** Law enforcement officer includes victim information in separate statement.

**Section 63.** Within 24 hours law enforcement agency provides victim with following information:

- Emergency services.
- Victim compensation details.
- Victim's rights contact in prosecutor's office.
- Who to contact if no arrest within 6 months.

**Section 64.** Law enforcement:

- Returns victim's property promptly.
- Also allows for photos so evidence property can be returned.

**Section 65.** Law enforcement:

- Provides notice of availability of pretrial release.
- Bond revocation procedure if victim certifies threats or intimidation.

**Section 66.** The court notifies the prosecutor of the plea within 48 hours of the arraignment. The prosecutor then within 48 hours notifies the victim of the following:

- Rights and procedures under the misdemeanor article.
- Statement of court procedures, including pretrial conferences.
- Victim's compensation details.
- Threat and intimidation information and procedures for protection.
- Schedule of court proceedings and changes.
- If a plea of guilty or nolo contendere has been entered, consultation about disposition of case, including plea bargaining.
- Notification of case dismissal within 48 hours.
- Address requirements.

**Section 67.** Court to provide waiting area for victim separate from defendant or defense witnesses.

- Section 68.** Identity protection for victim.
- Section 69.** Speedy trial child witnesses.
- Section 70.** Upon request, victim confers with prosecutor prior to trial.
- Section 71.** Right of victim to be present at trial.
- Section 72.** Victim protection from employer discipline for required court appearances.
- Section 73.** Prosecutor notifies victim of:
- Conviction.
  - Crimes of conviction.
  - If one is prepared, right to presentence report impact statement and notice that statement may be available to defendant.
  - Right to make impact statement at sentencing.
  - Time and place of sentencing hearing.
  - Details of impact statement.
- Section 74.** Right to have impact statement included in presentence report if one is written.
- Section 75.** If no presentence report is prepared, court notifies prosecutor of date and time of sentencing at least 10 days before sentencing. Right to impact statement before judge at sentencing.
- Section 76.** Restitution:
- Applies to all misdemeanors.
  - Property return or restoration.
  - Cost of physical care.
  - Loss of income.
  - Services in lieu of money.
  - Time limits.
  - Individuals and businesses are eligible.
- Section 77.** Notification of final disposition.
- Section 78.** Appeal procedures. Prosecutor notifies victim of:
- Defendant's filing of an appeal.
  - Appeal process.
  - Time and place of appeal hearing.
  - Result of appeal.
  - Defendant's release on bail pending disposition of appeal.
- Section 79.** Notification of earliest release date.
- Section 80.** Victim information is confidential.
- Section 81.** Profit from crime story to be placed in escrow for 5 years. Proceeds to be used for:
- Restitution to victim.
  - Satisfying civil judgment against defendant in favor of victim.
  - Payment for room and board in jail or prison.
  - Balance, if any, split between the state and defendant's family.

# PROCESSING A CRIMINAL CASE

## Circuit Court and Recorder's Court

The Circuit Court has original jurisdiction in all civil cases involving more than \$10,000, all criminal cases where the offense involves a felony or a two-year misdemeanor and in some domestic relation cases, including divorce and paternity actions. In Detroit those criminal cases are assigned to the Recorder's Court.

The following is an example of the procedures often involved in processing a criminal case. Not every case will go to trial, so not all of the steps will be followed in every case. If you are a victim and have specific questions about the process in your case, contact the prosecuting attorney's office for more information.

### Warrant Request

When a police officer has probable cause to believe a person has committed a crime, the police request the prosecutor to authorize a warrant for their arrest.

### Decision to Prosecute

The Prosecutor determines whether a person should be charged with a crime, and if so, what the crime should be.

### Arraignment

Once arrested and charged with a felony, the suspect appears in district court for arraignment. At arraignment, the defendant is given notice of the charges against him or her, and advised of their constitutional rights. The conditions and amount of bail are determined, and a date is set for a preliminary examination. You should be aware that most defendants are released on bail but you may check with phone number given.

### Preliminary Examination

This is a contested hearing before the judge. The prosecutor presents witnesses to convince the district court judge that a crime was in fact committed and there is probable cause to believe the defendant has committed that crime. The defendant is represented and can cross-examine the witnesses and present evidence. If probable cause is established, the defendant is sent to circuit court for trial. A defendant can decide not to have a preliminary examination.

### Arraignment/Circuit Court

After the case is sent to circuit court, the defendant is again arraigned and given formal notice of the charges against him or her. He or she is again advised of their constitutional rights, and asked to enter a plea to the charge.

### Pretrial Proceedings

Many events can occur prior to trial. The court may hear motions to determine whether evidence will be admitted or suppressed at the defendant's trial, or whether there is some legal reason why the defendant should not be tried. In addition, the prosecutor and defense attorney will often meet to determine whether the defendant will plead guilty to the crime charged or some other offense.

### Trial

The defendant has a right to determine whether to be tried by the judge or the jury. During the trial, the judge or a jury will determine whether the defendant has

committed a crime, and if so, what that crime is. A trial is an adversary proceeding whereby the prosecution must present evidence to establish the defendant's guilt beyond a reasonable doubt. The prosecutor must call all the witnesses to the crime. The defendant is not required to prove his or her innocence, or to present any evidence.

### **Sentencing**

If the defendant is found guilty of a crime, the judge will set a date for sentencing. The time between conviction and sentencing is used to prepare a presentence investigation report. This report is prepared by the probation officer, who works for the state Department of Corrections. It contains information about the crime, defendant's background, and a sentence recommendation. At the time of sentencing, the judge will consider the information in the report before determining the sentence. The judge will also consult the sentencing guidelines established by the Michigan Supreme Court as a reference for framing an appropriate sentence. Determination of the minimum sentence is the judge's sole responsibility, although some convictions carry a legally mandated minimum sentence. The judge may consider different alternatives, such as a fine, probation, community service, a sentence to jail or prison, or a combination. The judge may also order the defendant to make restitution to any victims who have suffered physical, financial, or emotional harm.

## **Juvenile Court**

The Probate Court's juvenile division is commonly known as Juvenile Court and handles cases of juveniles under the age of 17, unless they are waived to the adult court. Processing a juvenile offense is less formal and more flexible than corresponding procedures in Circuit, Recorder's or District Courts and some terms are different.

**Detention**—Facilities operated by the probate court or state where juveniles may be detained pending hearings or following disposition.

**Petition**—A complaint or written accusation that a juvenile has committed an offense which is filed with the Probate Court.

**Intake**—The probate court screening process and preparation of the case.

**Trial** (formerly called an adjudicatory hearing)—The point at which the court must find delinquency or neglect or dismiss the case.

**Disposition**—Equivalent to sentencing component in adult proceedings. The Court has a wide spectrum of options which includes returning the juvenile to his or her home, retaining court jurisdiction or assigning the juvenile to the jurisdiction of the state in the form of the Department of Social Services.

## **District Court**

The District Court has jurisdiction of all misdemeanors for which punishment does not exceed one year, as well as the arraignment, setting and acceptance of bail and conducting preliminary examinations in felony cases. The District Court also handles civil cases under \$10,000, garnishments, evictions, foreclosures and other proceedings. District Court procedures are essentially like those used in Circuit and Recorder's Court with the following exceptions:

- A city ordinance may be prosecuted by a city attorney.
- Presentence investigations are not always prepared.

# OTHER FINANCIAL ASSISTANCE FOR INJURED VICTIMS OF CRIMES

Separate from restitution provided for in the Crime Victim's Rights Act, victims may be eligible for compensation from the state.

## What is the Crime Victims Compensation Board?

Section 18.351 of the Michigan Compiled Laws governs the Michigan Crime Victims Compensation Board. Under the Act persons who suffer personal injury as a direct result of a Michigan crime may be eligible for assistance. Personal injury means actual bodily harm. In addition, a surviving spouse, parent, child, sibling or other dependent of a victim who dies as a result of a crime may be eligible for assistance.

Assistance may include compensation for medical expenses, funeral costs, counseling, rehabilitation, and loss of earnings or loss of support resulting from an injury which is the direct result of a crime.

## Who May be Eligible for Compensation?

- A crime victim who suffers personal physical injury as the direct result of a crime.
- An intervenor who suffers personal physical injury while going to the aid of a crime victim.
- A surviving spouse, parent, child, sibling or other dependent of a crime victim who dies as a direct result of a crime.
- A Michigan resident injured by crime in another state that does not have a victim compensation program available.

## How Does a Person File a Claim?

Obtain and fill out an application form. Forms are available from the Crime Victims Compensation Board or may be available at other places listed at the back of this booklet.

Under the Act your claim must be filed with the Board not later than 1 year after the occurrence of the crime. So, any time within 1 year of a crime, you can and should file a claim.

Prosecuting attorneys, sheriffs, police departments, state police posts, and other agencies may have forms and may help you, but they do not represent the Crime Victims Compensation Board, and they cannot waive any requirement of the law or rules of the Board.

## Does a Person Need an Attorney to File a Claim?

Except in unusual circumstances, you do not need an attorney, but you do have a right to hire one. In deciding whether to hire an attorney, you should think about the following facts.

The Board investigates each claim and is willing to deal directly with you. You can hire an attorney at any stage of the process. Any attorney's fee must be paid by you out of your award. Board rules do limit the amount of attorney fees which are payable, so you may want to discuss that with an attorney before you hire one.

## What Compensation May be Awarded?

The actual amount of compensation, if any, depends upon the facts of each case. Do not try to decide for yourself whether you are eligible. If there is any doubt, file a

claim and the Board will decide. Compensation to crime victims is limited in many ways; here are some of the limits:

- Maximum total dollars allowable—\$15,000.00.
- Maximum funeral expenses up to \$1,500.00.
- Not more than \$200.00 for each week of lost earnings, or in the case of a death, lost support.
- Losses resulting from an injury or death are awarded only if a person has no insurance or public assistance available.
- If a person will not suffer serious financial hardship, then he or she must be denied an award even though a loss was suffered.

#### **What are Some Losses That are Not Covered?**

- Personal property loss or damage.
- Pain and suffering.
- Injuries received while confined in a correctional facility.
- Victims of motor vehicle accidents with no available automobile insurance should file a claim with the Secretary of State, Assigned Claims Plan.

#### **To Receive an Award, What Other Basic Conditions Must be Satisfied?**

- Claims must be filed within one year from the date of the crime except in the following circumstances:
  - When a child is a victim of sexual abuse the claim must be filed within one year of the report of the crime and before the child is 19.
  - When a crime is discovered by a law enforcement agency where the injury was previously determined to be accidental, of unknown origin, or from natural causes, the claim must be filed within one year of the discovery.
- The crime must be reported to the police within 48 hours, unless the Board finds there was good cause for any delay in making a police report.
- To recover an out-of-pocket loss, a person must show a loss of at least \$200.00 in medical expenses, or other expenses not otherwise reimbursable.
- To recover loss of earnings or loss of support, a person must have lost at least two continuous weeks' disability from criminal injury.
- A person cannot be criminally responsible for the crime and cannot be an accomplice.
- The victim must be willing to cooperate with law enforcement agencies in the investigation of the crime and with the courts in the prosecution of a defendant.
- The Board may reject a claim or reduce any award if the victim contributed to the infliction of the injury.

#### **What Happens After a Claim is Filed?**

- The Board acknowledges the claimant's request for consideration and notifies the prosecuting attorney that a claim for compensation is pending.
- An investigation is conducted to verify the validity of the claim and the extent of any compensable loss. The claimant may be requested to provide documentation if the Board is otherwise unable to verify the claim.
- If dissatisfied, the claimant has 30 days in which to appeal the decision of the member to the full Board. An evidentiary hearing is provided to a claimant who requests one. The decision of the full Board becomes the final decision of the Board.

- If still dissatisfied, the claimant has 30 days to file a request for leave to appeal with the Court of Appeals.

### Coordination of Benefits

- The Board is the payor of last resort.
- Payments from insurance or public funds for out-of-pocket expenses, lost earnings or support (except disability or death benefits paid to a peace officer) are primary resources and must be deducted prior to any award for compensation.
- The claimant must repay the State of Michigan out of any subsequent insurance settlement or court-ordered restitution covering a loss reimbursed by the Board.

### Waiver of Limits

- The minimum loss requirements will be waived for persons retired by reason of age or disability.
- The minimum loss requirement will be waived for the expense of forensic medical exams for sexual assault victims.

### What About False Information?

If a person falsely presents the facts and circumstances of a crime with the intent to defraud or cheat and causes an award to be made under the Act, that is a crime. So, a person can be prosecuted for putting false information in an application or causing other false information to be submitted to the Board.

### Other Considerations

- The minimum loss requirement may be waived for persons retired by reason of age or disability.
- The minimum loss requirement may be waived for the expense of forensic medical exams for rape victims.

### Where to File a Claim

Crime Victim's Compensation Board  
P.O. Box 30026  
Lansing, Michigan 48909

### Where are Claim Forms Available?

Crime Victim's Compensation Board  
Prosecuting Attorneys  
State Police Posts

### Lansing:

Phone: (517) 373-7373

## VICTIMIZATION

Dr. Frank M. Ochberg is a psychiatrist, formerly the Director of the Michigan Department of Mental Health, and is Adjunct Professor of Criminal Justice at M.S.U. He is recognized internationally as a leading expert in victimization and is the editor of several books and author of articles on the subject. Frank is a good friend who has contributed significantly to the development of the Crime Victims' Rights Act. With his permission, the following is adapted from "The Victim of Violent Crime" by Frank M. Ochberg, M.D. in Radelet, Louis A., *Police and the Community*, 4th ed., Macmillan, 1986. pp. 285-300.

"The victim of violent crime suffers from injury and injustice. To serve that victim with professional skill, we who work in the fields of law enforcement, criminal

justice, social service, health and mental health must understand the variety of wounds, physical and psychological, that victims bear. We must recognize the stigma attached to victims in our society, the isolation, ostracism, and humiliation they often feel, regardless of their innocence. The term, 'secondary injury,' is used to describe the wound that a victim suffers when treated insensitively by individuals and institutions in the aftermath of victimization. The second injury may, indeed, be more traumatic than the first.

"There are many forms of crime victimization and considerable variation in victim reactions. From a clinical point of view, a victim is someone who has been deliberately harmed by another person, has been lowered in dominance, and has suffered. The suffering may include pain, rage, depression, loss of mental or physical capacity, and shame to the point of humiliation and self-imposed isolation.

"Victims may have difficulty recalling the first few moments of victimization. During a traumatic event, denial operates as a coping mechanism, shielding the individual from a rational appraisal of danger, and allowing an automatic set of adaptive reflexes to operate. When the reality of victimization breaks through, the victim is aware of physiological changes, injuries and loss. When the victim says, 'No, no, no, this isn't happening,' he or she already knows that it is. Frozen fright keeps the body inert while the mind thaws and begins to rationalize. Events are replayed. 'If only I had done this, not that . . .' is said or thought a hundred different ways. Feelings of disgust and defilement may emerge, even in crimes that are not explicitly sexual. Personal space and dignity have been invaded. A mortified victim needs reassurance, but may seek to avoid all human contact and react impassively to questions and expressions of concern.

"In addition, the traumatized individual can be expected to have recurrent, intrusive recollections of the event, in dreams and when awake. Concentration often is impaired and may cause deficits at work or in household responsibilities.

"What are the implications for each of us who come in contact with victims on a regular basis? Knowing how victims may feel does not mean we know how a given victim does feel. But it never hurts to say:

- I am sorry this happened.
- I am glad you were not killed.
- It was not your fault.

"These three simple statements are the cornerstone of decent interaction with victims. On the other hand, saying, 'I know how you must feel,' is often perceived as patronizing and wrong, even when coming from a fellow victim.

"Victims need practical help in addition to compassionate understanding: where medical help is available, what self-help groups exist, compensation services, if applicable, and anticipated steps in criminal justice procedures.

"Victims should not be treated as mental patients or assumed to require psychiatric services. In fact, few credentialed professionals have training or experience with victims. When symptoms are severe and incapacitating, such as hallucinations, depression with suicidal thoughts, alcoholism, or drug abuse, professional counseling is advisable. When physical changes occur—weight loss, abdominal pain, bloody stools, palpitations, shortness of breath—medical evaluation is indicated. Any symptoms enduring beyond six months warrant professional attention.

"Sensitivity to the needs of victims is a critical aspect of professionalism in the field of criminal justice. Justice is hollow when victims are neglected; democracy thrives when its citizens are respected at times of crisis and need."

By Frank M. Ochberg, M.D.

## VICTIM CONTACTS FOR MICHIGAN

### ALCONA

Prosecutor: Thomas Weichel  
(517) 724-5142

Victim Contact: Carla Harvey  
(517) 724-5142

Sheriff: Douglas Ellinger  
(517) 724-6271

### ALGER

Prosecutor: Mark E. Luoma  
(906) 387-2117

Victim Contact: Marion Kienitz  
(906) 387-2117

Sheriff: David Cromell  
(906) 387-4444

### ALLEGAN

Prosecutor: Fred Anderson  
(616) 673-8471

Victim Contact: Debbie Kiel  
(616) 673-8471

Sheriff: Dave Haverdink  
(616) 673-5441

### ALPENA

Prosecutor: Dennis P. Grenkowicz  
(517) 356-1202

Victim Contact: Vicky L. Weichel  
(517) 356-1202

Sheriff: Thomas Male  
(517) 354-4128

### ANTRIM

Prosecutor: Charles H. Koop  
(616) 533-8412

Victim Contact: Pamela Luce  
(616) 533-6860

Sheriff: Dale Roggenbeck  
(616) 533-8627

### ARENAC

Prosecutor: Jack W. Scully  
(517) 846-4597

Victim Contact: Jack W. Scully  
(517) 846-4597

Sheriff: James Mosciski  
(517) 846-4561

### BARAGA

Prosecutor: Richard White  
(906) 524-5440

Victim Contact: Theresa Wirtz  
(906) 524-6460

Sheriff: Robert Teddy  
(906) 524-6177

### BARRY

Prosecutor: Dale A. Crowley  
(616) 948-4850

Victim Contact: Carla Burpee  
(616) 948-4850

Sheriff: David Wood  
(616) 948-4800

### BAY

Prosecutor: Joseph Sheeran  
(517) 895-4185

Victim Contact: Susan F. Glaza  
(517) 895-4185

Sheriff: Gerald Van Alst  
(517) 895-4050

### BENZIE

Prosecutor: O. Paul Schendel  
(616) 882-9671, ext. 40

Victim Contact: O. Paul Schendel  
(616) 882-9671

Sheriff: Paul Stiles  
(616) 882-4484

### BERRIEN

Prosecutor: Dennis M. Wiley  
(616) 983-7111, ext. 311

Victim Contact: Susan Holcomb  
(616) 983-7111, ext. 618

Sheriff: Robert Kimmerly  
(616) 983-7141

**BRANCH**

**Prosecutor:** John L. Livesay  
(517) 279-8411, ext. 200  
**Victim Contact:** Jodi Sherwood  
(517) 279-8411, ext. 200  
**Sheriff:** Ted Gordon  
(517) 278-2325

**CALHOUN**

**Prosecutor:** Jon R. Sahli  
(616) 966-1249  
**Victim Contact:** John Kostyo  
(616) 966-1265  
**Sheriff:** James Roberts  
(616) 781-9806

**CASS**

**Prosecutor:** Margaret Mary Chiara  
(616) 445-8621  
**Victim Contact:** Dianne Murray  
(616) 445-8621  
**Sheriff:** Joseph Underwood  
(616) 445-8644

**CHARLEVOIX**

**Prosecutor:** Richard May  
(616) 547-7207  
**Victim Contact:** Richard May  
(616) 547-7207  
**Sheriff:** George Lasater  
(616) 547-4461

**CHEBOYGAN**

**Prosecutor:** Joseph P. Kwiatkowski  
(616) 627-8801  
**Victim Contact:** Paula Coon  
(616) 627-8879  
**Sheriff:** John Grabowski  
(616) 627-3155

**CHIPPEWA**

**Prosecutor:** Patrick M. Shannon  
(906) 635-6342  
**Victim Contact:** Ellen Sutton  
(906) 635-6342  
**Sheriff:** Edward W. Berkompas  
(906) 635-6355

**CLARE**

**Prosecutor:** Ghazey Aleck  
(517) 539-9831  
**Victim Contact:** Elaine Johnson  
(517) 539-9831  
**Sheriff:** Howard Haskin  
(517) 539-7166

**CLINTON**

**Prosecutor:** Charles D. Sherman  
(517) 224-5260  
**Victim Contact:** Deb Sutherland  
(517) 224-5260  
**Sheriff:** Donald Hengesh  
(517) 224-6791

**CRAWFORD**

**Prosecutor:** John B. Huss  
(517) 348-2841  
**Victim Contact:**  
Ms. Lockey Hollingsworth  
(517) 348-2841, ext. 248  
**Sheriff:** David Lovely  
(517) 348-4616

**DELTA**

**Prosecutor:** Thomas L. Smithson  
(906) 786-8574  
**Victim Contact:** Ms. Cindy Russell  
(906) 786-8574  
**Sheriff:** Gary Carlson  
(906) 786-3633

**DICKINSON**

**Prosecutor:** Jay S. Finch  
(906) 774-1294  
**Victim Contact:** Michael J. Kusz  
(906) 774-1294  
**Sheriff:** Donald Charlevoix  
(906) 774-6262

**EATON**

**Prosecutor:** Jeffrey L. Sauter  
(517) 543-7500, ext. 263/265  
**Victim Contact:** Deborah Brown  
(517) 543-7500  
**Sheriff:** Rick Wahl  
(517) 543-3512

**EMMET**

**Prosecutor:** Diane Smith  
(616) 348-1725

**Victim Contact:** Vickie Carpentier  
(616) 348-1725

**Sheriff:** Jeffrey Bodzick  
(616) 347-2032

**GENESE**

**Prosecutor:** Arthur Busch  
(313) 257-3210

**Victim Contact:** Lucille Bigelow  
(313) 257-3493

**Sheriff:** Joseph Wilson  
(313) 257-3406

**GLADWIN**

**Prosecutor:** Thomas Evans  
(517) 426-8592

**Victim Contact:** Debbie Primeau  
(517) 426-8592

**Sheriff:** Michael Hargrave  
(517) 426-9284

**GOGEBIC**

**Prosecutor:** Wayne Groat  
(906) 667-0471

**Victim Contact:** Joanne Niemela  
(906) 667-0471

**Sheriff:** Donald Pezzetti  
(906) 667-0203

**GRAND TRAVERSE**

**Prosecutor:** Dennis LaBelle  
(616) 922-4600

**Victim Contact:** Denise Schmuckal  
(616) 922-4607

**Sheriff:** Harold Barr  
(616) 922-4504

**GRATIOT**

**Prosecutor:** Mark A. Gates  
(517) 875-5236

**Victim Contact:** Anita Lowe  
(517) 875-5236

**Sheriff:** Michael Vetter  
(517) 875-4128

**HILLSDALE**

**Prosecutor:** Michael Smith  
(517) 439-1419

**Victim Contact:** Michael Smith  
(517) 439-1419

**Sheriff:** Gerald M. Hicks  
(517) 437-7317

**HOUGHTON**

**Prosecutor:** Douglas Edwards  
(906) 482-3214

**Victim Contact:** Paula Olson  
(906) 482-3214

**Sheriff:** James Ruotsala  
(906) 482-4411

**HURON**

**Prosecutor:** Leslie A. Hagen  
(517) 269-9255

**Victim Contact:** Tammy Piotter  
(517) 269-9255

**Sheriff:** Michael Gage  
(517) 269-6421

**INGHAM**

**Prosecutor:** Donald E. Martin  
(517) 483-6108

**Victim Contact:** Jane Hartwig  
(517) 483-6255

**Sheriff:** Gene Wrigglesworth  
(517) 676-2431

**IONIA**

**Prosecutor:** Raymond Voet  
(616) 527-5302

**Victim Contact:** Judy Badder  
(616) 527-5302

**Sheriff:** Terrence Jungel  
(616) 527-5737

**IOSCO**

**Prosecutor:** Gary W. Rapp  
(517) 362-6141

**Victim Contact:** Laura Schade  
(517) 362-6141

**Sheriff:** Craig Harriman  
(517) 362-6164

**IRON**

**Prosecutor:** Jonathan Baker  
(906) 875-6628

**Victim Contact:** Jan Harrison  
(906) 875-6628

**Sheriff:** Robert Romondini  
(906) 875-6669

**ISABELLA**

**Prosecutor:** Larry Burdick  
(517) 772-0911

**Victim Contact:** Larry Burdick  
(517) 772-0911

**Sheriff:** Barry DeLau  
(517) 772-5911

**JACKSON**

**Prosecutor:** Dennis Hurst  
(517) 788-4283

**Victim Contact:** Shelley Killewald  
(517) 788-4072

**Sheriff:** Henry Zavislak  
(517) 788-4208

**KALAMAZOO**

**Prosecutor:** James J. Gregart  
(616) 383-8900

**Victim Contact:** Margo Rinehart  
(616) 383-8677

**Sheriff:** Thomas Edmonds  
(616) 385-6173

**KALKASKA**

**Prosecutor:** Mark Mackley  
(616) 258-3325

**Victim Contact:** Barbara Woodhams  
(616) 258-3327

**Sheriff:** Nelson Cannon  
(616) 258-8686

**KENT**

**Prosecutor:** William A. Forsyth  
(616) 774-3577

**Victim Contact:** Susan Heartwell  
(616) 774-6822

**Sheriff:** James Dougan  
(616) 774-3100

**KEWEENAW**

**Prosecutor:** Paul J. Tomasi  
(906) 482-0770

**Victim Contact:** Paul J. Tomasi  
(906) 482-0770

**Sheriff:** Ronald Lahti  
(906) 337-0528

**LAKE**

**Prosecutor:** Michael J. Riley  
(616) 745-2775

**Victim Contact:** Frances Chase  
(616) 745-7383

**Sheriff:** Robert Hilts  
(616) 745-2711

**LAPEER**

**Prosecutor:** Justus Scott  
(313) 667-0326

**Victim Contact:** Cathy Strong  
(313) 667-0326

**Sheriff:** Ronald Kalanquin  
(313) 667-0443

**LEELANAU**

**Prosecutor:** G. Thomas Aylsworth  
(616) 256-9872

**Victim Contact:** Laurie LaCrosse  
(616) 256-9872

**Sheriff:** Charles Johnson  
(616) 256-9829

**LENAWEE**

**Prosecutor:** Irving C. Shaw, Jr.  
(517) 263-8831, ext. 2173

**Victim Contact:** Irving C. Shaw, Jr.  
(517) 263-8831, ext. 2173

**Sheriff:** Richard Germond  
(517) 263-0524

**LIVINGSTON**

**Prosecutor:** David L. Morse  
(517) 546-1850

**Victim Contact:** Sheila Willard  
(517) 546-1850

**Sheriff:** Don Homan  
(517) 546-2440

**LUCE**

**Prosecutor:** James P. Hoy  
(906) 293-3381

**Victim Contact:** James P. Hoy  
(906) 293-3381

**Sheriff:** Kevin Erickson  
(906) 293-8431

**MACKINAC**

**Prosecutor:** Dan Dowdell  
(906) 643-7337

**Victim Contact:** Tammy Spencer  
(906) 643-7337

**Sheriff:** Lawrence Leveille  
(800) 892-6156

**MACOMB**

**Prosecutor:** Carl J. Marlinga  
(313) 469-5350

**Victim Contact:** Laura Hocking  
(313) 469-5675

**Sheriff:** William Hackel  
(313) 469-5151

**MANISTEE**

**Prosecutor:** Dennis M. Swain  
(616) 723-7518

**Victim Contact:** Sue Wagner  
(616) 723-7518

**Sheriff:** Edward Haik  
(616) 723-3585

**MARQUETTE**

**Prosecutor:** Gary L. Walker  
(906) 228-1545

**Victim Contact:** Cindy Boyer  
(906) 228-1646

**Sheriff:** Joseph Maino  
(906) 228-6980

**MASON**

**Prosecutor:** Cris J. VanOosterum  
(616) 845-7377

**Victim Contact:** Patricia Baker  
(616) 845-7377

**Sheriff:** Larry Stewart  
(616) 843-3475

**MECOSTA**

**Prosecutor:** James R. Samuels  
(616) 592-0141

**Victim Contact:** Kathy Ebert  
(616) 592-0141

**Sheriff:** Henry Wayer  
(616) 592-0150

**MENOMINEE**

**Prosecutor:** Daniel E. Hass  
(906) 863-2002

**Victim Contact:** Gail Svinicki  
(906) 863-2002

**Sheriff:** Dennis Kenney  
(906) 863-4441

**MIDLAND**

**Prosecutor:** Norman Donker  
(517) 832-6722

**Victim Contact:** Sharon Thompson  
(517) 832-6722

**Sheriff:** John Reder  
(517) 832-6600

**MISSAUKEE**

**Prosecutor:** Charles Parsons  
(616) 839-3111

**Victim Contact:** Bonnie Brown  
(616) 839-4329

**Sheriff:** James Bosscher  
(616) 839-4338

**MONROE**

**Prosecutor:** Edward Swinkey  
(313) 243-7041

**Victim Contact:** Shirley Parrish  
(313) 243-7044

**Sheriff:** Carl Van Wert  
(313) 243-7497

**MONTCALM**

**Prosecutor:** Larry Hachman  
(517) 831-5227

**Victim Contact:** Connie Blanchard  
(517) 831-5227

**Sheriff:** Donald Godell  
(517) 831-5253

**MONTMORENCY**

**Prosecutor:** Vicki P. Kundinger  
(517) 785-3741

**Victim Contact:** Julia Clement  
(517) 785-3741

**Sheriff:** Daniel J. Braun  
(517) 785-4238

**MUSKEGON**

**Prosecutor:** Tony Tague  
(616) 724-6435

**Victim Contact:** Joan Grillo  
(616) 724-6676

**Sheriff:** Robert Carter  
(616) 724-6351

**NEWAYGO**

**Prosecutor:** H. Kevin Drake  
(616) 689-7283

**Victim Contact:** Angela M. Moore  
(616) 689-7283

**Sheriff:** Roger Altana  
(616) 689-6623

**OAKLAND**

**Prosecutor:** Richard Thompson  
(313) 858-1000

**Victim Contact:** Holly Coffey/  
Karen Wolfe/  
Emily Zubel  
(313) 858-0707

**Sheriff:** John Nichols  
(313) 858-5008

**OCEANA**

**Prosecutor:** Terry Shaw  
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**Victim Contact:** Terry Shaw  
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**Sheriff:** Fred Korb  
(800) 442-0043

**OGEMAW**

**Prosecutor:** Fred MacKinnon  
(517) 345-5700

**Victim Contact:** Linda Smith  
(517) 345-5700

**Sheriff:** Monty Antcliff  
(517) 345-3111

**ONTONAGON**

**Prosecutor:** Elizabeth Paczesny  
(906) 884-4155

**Victim Contact:** Judy Domitrovich  
(906) 884-4155

**Sheriff:** Gerald Kitzman  
(906) 884-4901

**OSCEOLA**

**Prosecutor:** James L. Talaske  
(616) 832-3226

**Victim Contact:** Linda Jackson  
(616) 832-3227

**Sheriff:** David Needham  
(616) 832-2288

**OSCODA**

**Prosecutor:** Barry L. Shantz  
(517) 826-3241

**Victim Contact:** Barry L. Shantz  
(517) 826-3241

**Sheriff:** Donald Smith  
(517) 826-3214

**OTSEGO**

**Prosecutor:** Dennis F. Murphy  
(517) 732-6484

**Victim Contact:** Shannon Riley  
(517) 732-6484, ext. 244

**Sheriff:** Donald Anderson  
(517) 732-6484

**OTTAWA**

**Prosecutor:** Ronald Frantz  
(616) 846-8215

**Victim Contact:** Deanna Dickerson  
(616) 846-8368

**Sheriff:** Gary Rosema  
(616) 669-2800

**PRESQUE ISLE**

**Prosecutor:** Donald J. McLennan  
(517) 734-4709

**Victim Contact:** Valerie Pardike/  
Bonnie Plant  
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**Sheriff:** Terry Flewelling  
(517) 734-2156

**ROSCOMMON**

**Prosecutor:** Daniel L. Sutton  
(517) 275-5233

**Victim Contact:** Daniel Sutton  
(517) 275-5233

**Sheriff:** Thomas McKindles  
(517) 275-5101

**SAGINAW**

**Prosecutor:** Michael D. Thomas  
(517) 790-5330

**Victim Contact:** Marilyn Pruitt  
(517) 790-5338

**Sheriff:** Thomas McIntyre  
(517) 790-5456

**ST. CLAIR**

**Prosecutor:** Elwood Brown  
(313) 985-2400

**Victim Contact:** Marilyn Dunn  
(313) 985-2400

**Sheriff:** Dan Lane  
(313) 987-1712

**ST. JOSEPH**

**Prosecutor:** Jeffrey Middleton  
(616) 467-6361

**Victim Contact:** Linda Baker  
(616) 467-6361, ext. 287

**Sheriff:** Matthew Lori  
(616) 467-9045

**SANILAC**

**Prosecutor:** James V. Young  
(313) 648-3402

**Victim Contact:** Sherri Lanctot  
(313) 648-3402

**Sheriff:** Virgil Strickler  
(313) 648-2000

**SCHOOLCRAFT**

**Prosecutor:** Peter J. Hollenbeck  
(906) 341-6178

**Victim Contact:** Peter J. Hollenbeck  
(906) 341-6178

**Sheriff:** Gary Maddox  
(906) 341-2122

**SHIAWASSEE**

**Prosecutor:** Ward Clarkson  
(517) 743-2373

**Victim Contact:** Brenda Colwell  
(517) 743-2373

**Sheriff:** A. James LaJoye  
(517) 743-3411

**TUSCOLA**

**Prosecutor:** James Reed  
(517) 673-5999

**Victim Contact:** James Reed  
(517) 673-5999

**Shériff:** Tom Kern  
(517) 673-8161

**VAN BUREN**

**Prosecutor:** Juris Kaps  
(616) 657-8236

**Victim Contact:** Tina Leary  
(616) 657-8236

**Sheriff:** H. Cal Rosema  
(616) 657-2006

**WASHTENAW**

**Prosecutor:** Brian Mackie  
(313) 994-2380

**Victim Contact:** Marsha L. Bidwell  
(313) 996-3026

**Sheriff:** Ronald Schebil  
(313) 971-4978

**WAYNE**

**Prosecutor:** John D. O'Hair  
(313) 224-5777

**Victim Contact:** Cheryl Calcagno  
(313) 224-5800

**Sheriff:** Robert Ficano  
(313) 224-2222

**WEXFORD**

**Prosecutor:** Kenneth L. Tacoma  
(616) 775-0147

**Victim Contact:** Tammy Wenn  
(616) 779-9505

**Sheriff:** Gary Finstrom  
(616) 779-9211

# MICHIGAN STATE POLICE POSTS

POST NO.	POST	ADDRESS	ZIP CODE	AREA CODE	PHONE
42	Adrian	2300 N. Adrian Highway, Adrian	49221	517	263-1350
74	Alpena	2160 S. State Ave., (US-235), Alpena	49707	517	356-0114
33	Bad Axe	675 S. VanDyke, Bad Axe	48413	517	269-6442
46	Battle Creek	610 W. Columbia Ave., Battle Creek	49015	616	968-6115
31	Bay City	405 N. Euclid Ave., Bay City	48706	517	684-2235
57	St. Joseph	4032 S. M-139, Bldg. 124, St. Joseph	49085	616	429-1180
37	Bridgeport	6280 Dixie Highway, Bridgeport	48722	517	777-9760
12	Brighton	4803 Old US-23, Brighton	48116	313	227-1051
76	Cadillac	1104 S. Mitchell St., Cadillac	49601	616	775-2522
90	Calumet	Rockland St., Calumet	49913	906	337-5145
39	Caro	120 Millwood St., Caro	48723	517	673-2156
72	Cheboygan	1206 S. Main St., Cheboygan	49721	616	627-9974
43	Coldwater	186 E. State St., Coldwater	49036	517	278-7152
29	Detroit	Executive Plaza Bldg., 1200 Sixth St., Detroit	48226	313	256-2990
32	East Tawas	410 N. US-23, East Tawas	48730	517	362-3435
28	Erie	120-75 Telegraph Rd., Erie	48133	313	848-2035
25	Flat Rock	15005 Telegraph Rd., Flat Rock	48134	313	782-2434
35	Flint	G3478 Corunna Rd., Flint	48504	313	732-1111
73	Gaylord	563 S. Otsego, Gaylord	49735	517	732-5141
85	Gladstone	922 Lake Shore Dr., Gladstone	49837	906	428-4412
36	Gladwin Team	1302 Chatterton, Gladwin	48624	517	426-3068
64	Grand Haven	1622 S. Beacon Blvd., Grand Haven	49417	616	842-2101
66	Hart	1100 Griswold St., Hart	49420	616	873-2572
56	Hastings	907 W. State St., Hastings	49058	616	948-8283
75	Houghton Lake	9011 W. Lake City Road Houghton Lake	48629	517	422-5103
13	Ionia	3140 S. State Rd., Ionia	48846	616	527-3600
86	Iron Mountain	N. US-2, Iron Mountain	49801	906	774-2122
92	Iron River	897 Lalley Rd., Iron River	49935	906	265-2034
14	Ithaca	1876 N. State Rd., Ithaca	48847	517	875-4112
41	Jackson	3401 Cooper St., Jackson	49204	517	782-9443

POST NO.	POST	ADDRESS	ZIP CODE	AREA CODE	PHONE
45	Jonesville	476 E. Chicago Rd., Jonesville	49250	517	849-9923
71	Kalkaska Team	Kalkaska Governmental Ctr., 2089 N. Birch St., P.O. Box 127, Kalkaska	49646	616	258-4112
67	Lakeview	Howard City-Edmore Rd., Rte., #1, Lakeview	48850	517	352-8445
88	L'Anse	P.O. Box 87, L'Anse	49946	906	524-6162
11	Lansing	7119 N. Canal Rd., Lansing	48913	517	322-1907
38	Lapeer	977 S. Main St., Lapeer	48446	313	664-2906
77	Manistee	212 Arthur St., Manistee	49660	616	723-3536
84	Manistique	US-2, Manistique	49854	906	341-6218
63	Mt. Pleasant	1011 N. Mission St., Mt. Pleasant	48858	517	773-5952
91	Munising	Rte., #1, Box 445, Munising	49862	906	387-4551
81	Negaunee	180 US-41 East, Negaunee	49866	906	475-9922
65	Newaygo	360 Adams, Newaygo	49337	616	652-1662
24	New Baltimore	35555 23-Mile Rd., New Baltimore	48047	313	725-7504
82	Newberry	Rte. #1, Box 983, Newberry	49868	906	293-5151
57	New Buffalo	US-12, P.O. Box 190, New Buffalo	49117	616	469-1114
53	Niles	1001 S. 11th St., Niles	49120	616	683-4411
21	Northville	42145 W. Seven Mile Rd., Northville	48167	313	380-1021
15	Owosso	1907 W. Main St., Owosso	48867	517	723-6762
51	Paw Paw	43255 60th Ave., Paw Paw	49079	616	657-5551
78	Petoskey	1200 M-119, Petoskey	49770	616	347-8102
27	Pontiac	1295 N. Telegraph Rd., Pontiac	48053	313	332-9133
62	Reed City	825 S. Chestnut St., Reed City	49677	616	832-2222
61	Rockford	345 Northland Dr., NE, Rockford	49341	616	866-4411
22	Romeo	290 N. Main St., Romeo	48065	313	752-3521
93	Sault Ste. Marie	3900 I-75 BR, Sault Ste. Marie	49783	906	632-2216
23	St. Clair	1419 Oakland Ave., St. Clair	48079	313	329-2234
83	St. Ignace	706 N. State St., St. Ignace	49781	906	643-8383
34	Sandusky	90 W. Sanilac, Sandusky	48471	313	648-2234
55	South Haven	720 Lasgrange St., South Haven	49090	616	637-2126
16	State Capitol	504 W. Allegan St., Lansing	48913	517	373-2836

POST NO.	POST	ADDRESS	ZIP CODE	AREA CODE	PHONE
89	Stephenson	US-41, P.O. Box 443, Stephenson	49887	906	753-2276
71	Traverse City	218 W. 14th St., Traverse City	49684	616	946-4647
87	Wakefield	100 Sunday Lake St., Wakefield	49968	906	224-9601
56	Wayland	544 N. Main St., Wayland	49348	616	792-2213
36	West Branch	496 E. Houghton, West Branch	48661	517	345-0956
52	White Pigeon	15038 US-12, White Pigeon	49099	616	483-7612
56	Ypsilanti	1501 Huron St., Ypsilanti	48197	313	482-1213

To obtain victim notification and information regarding prisoners, write to:  
Michigan Department of Corrections  
Central Records Office  
P.O. Box 30003  
Lansing, MI 48909

For additional information, including victim assistance groups in your area, write or call:

**Crime Victims Compensation Board**

P.O. Box 30026  
Lansing, MI 48909  
517-373-7373

**Children and Adults Against Pedophiles (CAAP)**

P.O. Box 1124  
Garden City, MI 48136-1124  
313-348-4133

**Michigan Sheriffs' Association**

515 North Capitol  
Lansing, MI 48933-1241  
1-800-875-5500

**Mothers Against Drunk Driving (MADD)**

910 Eastlawn  
Midland, MI 48642  
1-800-631-MADD

**Chapters (by county):**

*Antrim*

2600 Carpenter  
Bellaire, MI 49615  
616-533-8202

*Barry*

1713 West Sisson Road  
Hastings, MI 49058  
517-852-9911

*Calhoun*

80 North 20th Street  
Battle Creek, MI 49015  
616-963-MADD

*Cass*

56501 Glenwood Road  
Cassopolis, MI 49031  
616-782-7921

*Charlevoix*

P.O. Box 404  
Charlevoix, MI 49720  
616-547-3540

*Chippewa*

P.O. Box 4460  
Sault Ste. Marie, MI 49783  
906-632-2611

*Genesee*

P.O. Box 456  
Grand Blanc, MI 48439  
313-694-MADD

*Grand Traverse*

P.O. Box 2009  
Traverse City, MI 49684  
616-947-MADD

*Ingham*

213 E. St. Joseph  
Lansing, MI 48933  
517-487-MADD

*Ionia*

P.O. Box 677  
Lake Odessa, MI 48849  
616-374-7200

*Jackson*

P.O. Box 264  
Jackson, MI 49204  
517-688-9886

*Kalamazoo*

126 E. Kilgore  
Kalamazoo, MI 49001  
616-381-MADD

*Kent*

McKay Tower, Suite 501  
Grand Rapids, MI 49503  
616-456-MADD

*Lapeer*

P.O. Box 657  
Lapeer, MI 48446  
313-793-MADD

*Livingston*

P.O. Box 774  
Brighton, MI 48116  
313-227-9685

*Mason*

P.O. Box 31  
Scottville, MI 49454  
616-757-4777

*Midland*

910 Eastlawn  
Midland, MI 48642  
517-631-MADD

*Oakland*

1383 South Woodward Avenue  
Suite 14  
Bloomfield Hills, MI 48302  
313-253-1700

*Otsego*

P.O. Box 891  
Gaylord, MI 49735  
616-732-1570

*St. Clair*

5149 Gratiot  
St. Clair, MI 48079  
313-364-5963

*Washtenaw*

P.O. Box 639  
Ann Arbor, MI 48105-0639  
313-769-MADD

*Wayne*

15196 Farmington Road  
Suite D-1  
Livonia, MI 48154-5412  
313-422-MADD

Michigan Self Help

Clearing House  
109 West Michigan Avenue  
Suite 900  
Lansing, MI 48933  
1-800-752-5858

Parents of Murdered Children  
(POMC)

Chapters:

*Southeast Michigan*  
Levada Austin-Giesey  
2444 Aztec  
Wixom, MI 48096  
313-624-4809

*Southwest Michigan*

Ellen Machermer  
2039 West Marquette  
Stevensville, MI 49127  
616-429-9566

*Central Michigan*

Muriel Kirby  
2522 Wyckham  
Lansing, MI 48906  
517-321-6863

*Saginaw County Chapter*

Virginia Garcia  
1924 Williamson  
Saginaw, MI 48601  
517-754-7339

*Genesee County Chapter*  
Mildred Reidsema  
7021 Acorn Circle #77  
Mt. Morris, MI 48458-9445  
313-686-4661

Prosecuting Attorneys  
Coordinating Council  
Victim/Witness Forum  
306 Townsend Street  
Lansing, MI 48913  
517-334-6060

Remove Intoxicated Drivers  
(RID)  
P.O. Box 1519  
Jackson, MI 49204-1519  
Michael Lutz  
517-787-2457

Save Our Sons & Daughters  
(SOSAD)  
2441 West Grand Boulevard  
Detroit, MI 48208  
Clementine Barfield or  
Vera Rucker  
313-361-5200

Sexual Assault Information  
Network of Michigan, Inc.  
P.O. Box 1011  
Midland, MI 48641-1011  
517-832-0662

Students Against Driving Drunk  
(SADD)  
P.O. Box 1073  
Clinton Township, MI 48048  
313-228-3482

Survivors of Lost Loved Ones  
(SOLLO)  
12751 Mark Twain  
Detroit, MI 48227  
Clenora Byes 313-838-9689  
Gail Beasley 313-331-8583

Victims of Stalkers—Network  
413 East Henry Street  
Charlotte, MI 48813  
Ron and Michelle Ward  
517-543-3775

Council Against Domestic Abuse  
P.O. Box 14149  
Lansing, MI 48901  
517-372-5572

— NOTES —

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