CRIME VICTIM RIGHTS

The [Michigan Constitution](http://www.legislature.mi.gov/(cafmfu55sadzg1f0cdqpwr45)/mileg.aspx?page=GetMCLDocument&objectname=mcl-article-i-24) (Art. I, Sec. 24; eff. Dec. 24, 1988) and the [Crime Victim's Rights Act](http://www.legislature.mi.gov/(wjgvnyrize4vyufolhwzmcyf)/mileg.aspx?page=GetMCLDocument&objectname=mcl-act-87-of-1985&queryid=9045455) (1987 PA 85) give crime victims the right to:

* be treated throughout the criminal justice process with fairness and respect for their dignity and privacy
* timely disposition of the case following the arrest of the accused
* receive an explanation of court procedures
* reasonable protection from the accused throughout the criminal justice process, including having a waiting area separate from the defendant and the defendant's relatives and witnesses (if practical), and to receive an explanation of procedures to follow if threatened or intimidated by the defendant
* be free from threats or acts of discharge from your employer because you are subpoenaed or requested by the Prosecuting Attorney to testify in court
* consult with the Prosecuting Attorney to give your views about the disposition of the case
* notice of:
  + emergency and medical services [from the investigating police agency]
  + the name of the person in the Prosecutor's Office with information about your case;
  + all scheduled court proceedings, including sentencing;
  + the defendant's release on bond or escape from custody while awaiting trial;
  + the address and telephone number of the probation department that is preparing the pre-sentence investigation report, if one is ordered by the Judge;
  + victims compensation benefits and the address of the Crime Victim Services Commission, and an explanation of eligibility requirements for compensation funds
* attend trial and all other court proceedings the accused has the right to attend (except possible sequestration during a trial before you testify
* Confer with the prosecution before trial and before the jury is selected
* make an oral statement to a pre-sentence investigator, or to have a written impact statement included in the pre-sentence report
* make an oral or written statement to the court at sentencing. [NOTE: Your oral or written statement at sentencing is important! Only **you** can really explain the impact of the crime upon your life.]
* full restitution
  + restitution should include the reasonably expected costs of medical & psychological treatment, physical therapy and homemaking/child care
  + if homemaking or child care is provided without cost, restitution should be ordered for the costs that would have been incurred without the volunteer service
  + restitution may include the cost of a lost tax deduction due to a dependent's death
  + triple restitution may be ordered for death or serious impairment of a bodily function
  + if defendant requests modification of method of paying restitution, the court must consider whether it will impose a manifest hardship on the victim
  + parents of a juvenile tried as an adult can be ordered to pay restitution
  + wage assignment may be ordered for every employed defendant
  + if probation officer determines that restitution is not being paid, he/she must notify the court or petition for a probation violation
  + court fees cannot be imposed for taking action to enforce restitution
  + restitution unclaimed for two years will be placed in the crime victim rights fund, after which a victim may make a claim for his/her restitution at any time
  + a priority is established for payment of victim fees, restitution, fines and costs
* information about the conviction, sentence, imprisonment, and release of the accused
* an explanation of the appeal process, to be advised if the defendant has been released on an appeal bond, to be advised of the time and place of appellate court proceedings, and to be advised of the result of an appeal
* prompt return of your property taken during an investigation, except as otherwise provided by the law

**Miscellaneous**

***I. Victim Status***

**·** defendant or incarcerated person cannot be designated to represent a victim

**·** victim physically/emotionally unable to exercise rights may designate adult to

act in his/her place

**·** person charged with a crime arising out of same transaction as the defendant is

not a "victim"

**·** incarcerated person is not entitled to victim rights (except to submit a written

statement to the court for consideration at sentencing)

**·** victim's home & work addresses and phone numbers should not be in court files

**·** victim's home & work address and phone number, and any visual

representation of the victim are exempt from FOIA, except that it may be

released to a victim advocacy organization

***II. Arrest & Trial***

**·** victim may request arresting law enforcement agency for notice of defendant's

arrest and/or release. Sheriff or juvenile facility must notify arresting agency,

who then must notify the victim

**·** if case will be prosecuted under a local ordinance, the arresting law

enforcement agency must give victim the name & business address of the

municipal attorney + a statement that prosecution under a local ordinance does

not affect their rights

**·** prosecutor's initial notice of rights must include a convenient way for the victim

to advise the prosecutor that the victim is choosing to exercise his/her rights

**·** victim cannot be sequestered after they testify in a court hearing

**·** victim may designate an adult (*who is not the defendant and not incarcerated*) to deliver

his/her oral impact statement

***III. Appeals***

**·** victim is entitled to notice when the prosecutor appeals

**·** if the prosecutor has filed the appropriate notice form with the appellate court,

the court must expedite delivery to the prosecutor, by any means reasonably

calculated to give prompt notice, information reversing a conviction or denying

an appeal

***IV. Corrections***

**·**upon request, the Department of Corrections must give the victim notice of:

1. the prisoner's transfer between community residential or electronic monitoring programs, or from a residential program or electronic monitoring program to prison
2. the prisoner's conviction of a new crime
3. the prisoner's return to prison from a parole violation
4. the victim's right to appeals a parole decision

**·** upon the victim's request, the Sheriff must notify them if a prisoner is placed on day parole or work release

***V. Juvenile Proceedings***

**·** except for valid, legal reasons stated on the record, a juvenile court cannot

refuse to accept a petition alleging a crime

**·** the court must provide notice to the prosecutor before it can divert a juvenile

delinquency case or place the case on an informal consent calendar

**·** if no pre-sentence report is going to be prepared in a juvenile case, the court

must give the prosecutor at least 10 days notice before the disposition hearing

so the victim can be notified about the disposition hearing

**·** if a juvenile is under the jurisdiction of the court, the [Michigan Department of Human Services](http://www.michigan.gov/dhs), or a county juvenile agency, the appropriate agency must notify the victim, in accordance with the victim's request, if the juvenile is detained for committing a crime

**·** if a juvenile is sentenced to prison or jail by a juvenile judge, the victim is entitled to receive the same notices from the Department of Corrections or Sheriff that they would receive under Articles 1 and 3 of the Crime Victim Rights Act