The Evolution of Crime Victim Rights in Michigan

By Senator William Van Regenmorter

In writing the Crime Victim's Rights Act in 1985, it was difficult to predict what its effect would be at the fifteenth anniversary. The act was the first comprehensive response to a lack of concern for victims throughout the criminal justice process. The Crime Victim's Rights Act, for the first time, provided victims with unprecedented legal rights and became a model that many other states followed in creating their own laws to protect crime victims.

What Crime Victim Rights Mean In Michigan

Among many other provisions, the act requires every victim to receive complete notice of their rights beginning with a written notice from the investigating law enforcement agency followed by the full list of rights from the prosecutor's office. One right is to have consultation with the prosecutor about the case, including potential plea bargains. In fact, the prosecutor is required to consult with the victim before finalizing a plea agreement. The victim has the right to attend the trial and any other hearings which the defendant is entitled to attend. Attendance at trial, the victim impact statement and restitution are all integral components of the act. If the defendant is incarcerated following the sentence, the victim has the right to notice of escape or of transfers to non-secure facilities or programs. The victim has the right to address the parole board before a parole decision is made and may challenge a parole board decision in circuit court.

After observing three years of implementation of the Crime Victim's Rights Act, thanks to the outstanding work of victim witness coordinators around the state, I felt it was time to balance the Michigan Constitution that reflected no rights for victims whatsoever. I introduced my resolution to place a constitutional amendment for victims' rights on the ballot. Victims, victim advocates, and other people of goodwill volunteered statewide to help a successful effort, resulting in the November passage of the constitutional amendment by an overwhelming majority vote. On December 24, 1988, Article I, Section 24 of the Michigan Constitution went into effect, a fitting Christmas Eve gift to the citizens of Michigan. Then, in the early 1990s, a Federal Victim's Rights Act was approved using much of the language from Michigan's constitutional amendment.

New Victim Rights on the Horizon

As a result of my close working relationship with victim coordinators and advocates around the state, it became clear that there were further measures the Michigan Legislature could enact that would build upon the rights of victims. Recently I introduced Senate Bill 1180, which will further protect the privacy of victims, expand restitution, ensure victims' rights (even in informal juvenile cases involving serious crime) and provide for prompt notice to victims when significant appeals court decisions affect their case.

This is a brief description of the additions to the Crime Victim's Rights Act, which are consistent with my intent in writing the original law and will help keep Michigan at the forefront of granting victims fundamental rights. The empowerment of crime victims in our state has energized their involvement with the criminal justice system, an involvement that has improved the system in a way that none of us could have imagined 15 years ago. It is clear that justice is served and citizens are protected when victim rights are strongly established in law and implemented by victim advocates.

(Senate Bill 1180 was signed into law January 10, 2001 by Governor Engler as Public Act 503 of 2000 –Ed.)

The Senator is Chair of the Senate Judiciary Committee and is known as a thoughtful, hard working lawmaker who is the author of some of Michigan's most significant laws. The laws enacted and issues addressed include: The Crime Victim's Rights Act; Truth in Sentencing; domestic violence; home invasion; principal sponsor of the Juvenile Justice Reform Act; provisions for faster resolution of child abuse cases; DNA profiling; establishment of Family Court; and coordination of public services for persons with disabilities. As chair of the Senate Judiciary Committee, Senator Van Regenmorter is the only legislator to successfully author two constitutional amendments.

Senator Van Regenmorter is the founder of The Crime Victim Foundation. He has been named "Legislator of the Year" in Michigan eight times and was also named "National Legislator of the Year" by the National Center for Victims of Crime in Washington, D.C., an honor accorded to only one legislator in the country.

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