

SFA

BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 99 (Substitute S-1 as passed by the Senate)

Sponsor: Senator Frederick Dillingham

Committee: Judiciary

Date Completed: 10-3-90

RATIONALE

In recent years, increased attention has been paid to the rights of crime victims and their entitlement to compensation from criminal offenders. At the same time, it has become increasingly common for prisoners to bring actions against the Department of Corrections (DOC) for damages incurred during periods of incarceration. Some feel that, when a prisoner wins a monetary award from the DOC, his or her victim should be notified so that the victim can seek damages from the prisoner.

CONTENT

The bill would amend the Crime Victim's Rights Act to require a county sheriff or the DOC, upon written request of a victim, to notify the victim when a judgment greater than \$500 was rendered against the DOC or a past or present DOC employee in favor of a prisoner for damages incurred while the prisoner was committed to the DOC. The notification would have to be mailed within 30 days after the judgment was issued and inform the victim of his or her right to contact a private attorney for advice concerning the right of the victim to sue the prisoner for damages.

MCL 780.769

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

When a prisoner receives a monetary award

from the DOC, his or her victim should have the opportunity to seek damages to which the victim may be entitled. The bill would ensure that victims knew of such awards so that they could decide whether to pursue damages from the prisoner.

Response: While the bill would require that notice be given to a victim, it would not grant the victim the right to the prisoner's monetary award. The victim still would have to bring a lawsuit against the prisoner to recover damages.

Opposing Argument

The notification provision would be added to a section of the Act that requires either the DOC or a county sheriff to notify victims of various developments, but would apply only when a prisoner won an award in a suit against the DOC. Sheriffs should not be made subject to the bill's notification provision.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

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