

# HOUSE BILL No. 6068

September 16, 1992, Introduced by Reps. Nye, Bartnik and Hoffman and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 2954.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 236 of the Public Acts of 1961, as  
2 amended, being sections 600.101 to 600.9947 of the Michigan  
3 Compiled Laws, is amended by adding section 2954 to read as  
4 follows:

5       SEC. 2954. (1) AS USED IN THIS SECTION:

6       (A) "COURT" MEANS THE CIRCUIT COURT, THE DISTRICT COURT, OR  
7 ANY MUNICIPAL COURT.

8       (B) "ORDER OF RESTITUTION" INCLUDES AN ORDER OF RESTITUTION  
9 FOR THE PAYMENT OF MONEY ENTERED BY THE CIRCUIT COURT, THE

1 RECORDER'S COURT OF THE CITY OF DETROIT, THE PROBATE COURT, THE  
2 DISTRICT COURT, OR ANY MUNICIPAL COURT AS PART OF A SENTENCE, OR  
3 BY THE PROBATE COURT AS PART OF AN ORDER OF DISPOSITION UNDER  
4 CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING  
5 SECTIONS 712A.1 TO 712A.28 OF THE MICHIGAN COMPILED LAWS.

6 (C) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,  
7 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

8 (D) "VICTIM" MEANS A PERSON WHO SUFFERS DIRECT, INDIRECT, OR  
9 THREATENED PHYSICAL, FINANCIAL, OR EMOTIONAL HARM AS A RESULT OF  
10 THE COMMISSION OF A CRIME BY AN ADULT OR, OF AN OFFENSE BY A  
11 JUVENILE WHICH IF COMMITTED BY AN ADULT WOULD CONSTITUTE A  
12 CRIME.

13 (2) AN ORDER OF RESTITUTION MAY BE ENFORCED BY THE PROSECUT-  
14 ING ATTORNEY, OR BY A VICTIM, A VICTIM'S ESTATE, OR ANY OTHER  
15 PERSON NAMED IN THE ORDER TO RECEIVE THE RESTITUTION IN THE SAME  
16 MANNER AS A JUDGMENT IN A CIVIL ACTION AS PROVIDED IN THIS  
17 SECTION.

18 (3) A COURT SHALL NOT REQUIRE THAT AN ORDER OF RESTITUTION  
19 BE REDUCED TO A CIVIL JUDGMENT BEFORE THE ORDER OF RESTITUTION  
20 MAY BE ENFORCED AS PROVIDED IN THIS SECTION.

21 (4) IF THE AMOUNT OF MONEY ORDERED TO BE PAID IN AN ORDER OF  
22 RESTITUTION THAT IS ENTERED BY THE RECORDER'S COURT OF THE CITY  
23 OF DETROIT IS \$10,000.00 OR MORE, THE ORDER OF RESTITUTION MAY BE  
24 FILED WITH THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF  
25 WAYNE.

26 (5) IF THE AMOUNT OF MONEY ORDERED TO BE PAID IN AN ORDER OF  
27 RESTITUTION THAT IS ENTERED BY THE RECORDER'S COURT OF THE CITY

1 OF DETROIT IS LESS THAN \$10,000.00, THE ORDER OF RESTITUTION MAY  
2 BE FILED WITH THE CLERK OF THE SIXTY-THIRD DISTRICT COURT.

3 (6) IF THE AMOUNT OF MONEY ORDERED TO BE PAID IN AN ORDER OF  
4 RESTITUTION THAT IS ENTERED BY THE PROBATE COURT IS \$10,000.00 OR  
5 MORE, THE ORDER OF RESTITUTION MAY BE FILED WITH THE CLERK OF THE  
6 CIRCUIT COURT FOR THE JUDICIAL CIRCUIT THAT ENCOMPASSES ALL OR  
7 PART OF THE SAME TERRITORIAL JURISDICTION AS THE PROBATE COURT  
8 FOR THE COUNTY OR PROBATE DISTRICT THAT ENTERED THE ORDER OF  
9 RESTITUTION.

10 (7) IF THE AMOUNT OF MONEY ORDERED TO BE PAID IN AN ORDER OF  
11 RESTITUTION THAT IS ENTERED BY THE PROBATE COURT IS LESS THAN  
12 \$10,000.00, THE ORDER OF RESTITUTION MAY BE FILED WITH THE CLERK  
13 OF THE DISTRICT COURT FOR THE JUDICIAL DISTRICT THAT ENCOMPASSES  
14 ALL OR PART OF THE SAME TERRITORIAL JURISDICTION AS THE PROBATE  
15 COURT FOR THE COUNTY OR PROBATE DISTRICT THAT ENTERED THE ORDER  
16 OF RESTITUTION.

17 (8) AN ORDER OF RESTITUTION MAY BE FILED WITH THE CLERK OF  
18 THE CIRCUIT COURT OF A JUDICIAL CIRCUIT UNDER SUBSECTION (4) OR  
19 (6) OR THE CLERK OF THE DISTRICT COURT OF A JUDICIAL DISTRICT  
20 UNDER SUBSECTION (5) OR (7) BY THE PROSECUTING ATTORNEY, OR BY A  
21 VICTIM, A VICTIM'S ESTATE, OR ANY OTHER PERSON NAMED IN THE ORDER  
22 TO RECEIVE THE RESTITUTION.

23 (9) A COURT THAT ENTERS AN ORDER OF RESTITUTION MAY ENTER  
24 ANY APPROPRIATE ORDER TO ENFORCE THE ORDER OF RESTITUTION IN THE  
25 SAME MANNER AS A JUDGMENT IN A CIVIL ACTION THAT IS RENDERED IN  
26 THE COURT.

1       (10) IF AN ORDER OF RESTITUTION IS FILED WITH THE CLERK OF  
2 THE CIRCUIT COURT FOR A JUDICIAL CIRCUIT UNDER SUBSECTION (4) OR  
3 (6) OR THE CLERK OF THE DISTRICT COURT FOR A JUDICIAL DISTRICT  
4 UNDER SUBSECTION (5) OR (7), THE CIRCUIT COURT FOR THE JUDICIAL  
5 CIRCUIT OR THE DISTRICT COURT FOR THE JUDICIAL DISTRICT, AS  
6 APPLICABLE, MAY ENTER ANY APPROPRIATE ORDER TO ENFORCE THE ORDER  
7 OF RESTITUTION IN THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION  
8 THAT IS RENDERED IN THE CIRCUIT COURT OR DISTRICT COURT, AS  
9 APPLICABLE.

10       (11) THE ENFORCEMENT OF AN ORDER OF RESTITUTION AS PROVIDED  
11 IN THIS SECTION IS SUBJECT TO ANY LIMITATIONS CONTAINED IN THE  
12 ORDER OF RESTITUTION REGARDING THE MANNER OF PAYING THE ORDER OF  
13 RESTITUTION, INCLUDING, BUT NOT LIMITED TO, INSTALLMENT PAYMENTS.