



# SENATE BILL No. 470

March 9, 1993, Introduced by Senators VAN REGENMORTER, GAST, CISKY, DINGELL, DE GROW, DUNASKISS, FAUST and KELLY and referred to the Committee on Judiciary.

A bill to amend the title and sections 1, 3, 4, 5, 6, and 7 of Act No. 196 of the Public Acts of 1989, entitled

"An act to create the criminal assessments commission; to prescribe the duties of the commission; to create the crime victim rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants; to provide for payment of crime victim rights services; and to prescribe the powers and duties of certain state and local agencies and departments,"

being sections 780.901, 780.903, 780.904, 780.905, 780.906, and 780.907 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 3, 4, 5, 6, and 7 of  
2 Act No. 196 of the Public Acts of 1989, being sections 780.901,  
3 780.903, 780.904, 780.905, 780.906, and 780.907 of the Michigan  
4 Compiled Laws, are amended to read as follows:

1

## TITLE

2

An act to create the criminal assessments commission; to  
3 prescribe the duties of the commission; to create the crime  
4 victim rights fund; to provide for expenditures from the fund; to  
5 provide for assessments against criminal defendants AND CERTAIN  
6 JUVENILE OFFENDERS; to provide for payment of crime victim rights  
7 services; and to prescribe the powers and duties of certain state  
8 and local agencies and departments.

9

Sec. 1. As used in this act:

10

(a) "Commission" means the criminal assessments commission  
11 created under section 2.

12

(b) "Crime victim rights services" means services required  
13 to implement FULLY the crime ~~victims~~ VICTIM'S rights act, Act  
14 No. 87 of the Public Acts of 1985, being sections 780.751 to  
15 780.834 of the Michigan Compiled Laws. ~~, and compensation serv-~~  
16 ~~ices provided under Act No. 223 of the Public Acts of 1976, being~~  
17 ~~sections 18.351 to 18.368 of the Michigan Compiled Laws.~~

18

(c) "Department" means the department of management and  
19 budget of this state.

20

(d) "Felony" means a violation of a penal law of this state  
21 for which the offender, upon conviction, may be punished by  
22 imprisonment for more than 1 year, or an offense expressly desig-  
23 nated by law to be a felony.

24

(e) "Fund" means the crime victim rights fund created under  
25 section 4.

26

(f) ~~"Serious misdemeanor" means that term as defined in~~  
27 ~~section 61 of Act No. 87 of the Public Acts of 1985, being~~

~~1 section 780.811 of the Michigan Compiled Laws.~~ "JUVENILE  
 2 OFFENSE" MEANS AN OFFENSE COMMITTED BY AN INDIVIDUAL UNDER THE  
 3 JURISDICTION OF THE JUVENILE DIVISION OF THE PROBATE COURT PURSU-  
 4 ANT TO SECTION 2(A)(1) OF CHAPTER XIIIA OF ACT NO. 288 OF THE  
 5 PUBLIC ACTS OF 1939, BEING SECTION 712A.2 OF THE MICHIGAN  
 6 COMPILED LAWS, THAT IF COMMITTED BY AN ADULT WOULD BE A FELONY OR  
 7 MISDEMEANOR.

8 (g) ~~"Impaired or intoxicated driving" means a violation of~~  
 9 ~~section 625(1) or (2) or 625b of the Michigan vehicle code, Act~~  
 10 ~~No. 300 of the Public Acts of 1949, being sections 257.625 and~~  
 11 ~~257.625b of the Michigan Compiled Laws, or a local ordinance sub-~~  
 12 ~~stantially corresponding to section 625(1) or (2) or 625b that is~~  
 13 ~~punishable by imprisonment for 1 year or less.~~ "MISDEMEANOR"  
 14 INCLUDES AN OFFENSE CLASSIFIED AS A MISDEMEANOR UNDER A LOCAL  
 15 ORDINANCE IF THE CONDUCT PROSCRIBED BY THAT ORDINANCE IS A CRIME  
 16 UNDER THE LAWS OF THIS STATE.

17 Sec. 3. The criminal assessments commission shall do all of  
 18 the following:

19 (a) Investigate and determine the amount of revenue needed  
 20 to pay for crime victim rights services.

21 (b) Investigate and determine an appropriate assessment  
 22 amount to be imposed against convicted criminal defendants AND  
 23 JUVENILES FOR WHOM THE PROBATE COURT ENTERS ORDERS OF DISPOSITION  
 24 FOR JUVENILE OFFENSES to ~~adequately~~ pay for crime victim rights  
 25 services. ~~under section 24 of article I of the state constitu-~~  
 26 ~~tion of 1963.~~

1 (c) By December 31 of each year, report to the governor, the  
2 secretary of the senate, the clerk of the house of  
3 representatives, and ~~to~~ the department the commission's find-  
4 ings and recommendations under this section.

5 Sec. 4. (1) The crime victim rights fund is created as a  
6 separate fund in the state treasury. ~~The fund shall be expended~~  
7 ~~only as provided in this act.~~ The state treasurer shall credit  
8 to the fund all amounts received under section 5. The state  
9 treasurer shall invest fund money in the same manner as surplus  
10 funds are invested under section 143 of Act No. 105 of the Public  
11 Acts of 1855, being section 21.143 of the Michigan Compiled  
12 Laws. Earnings from the fund shall be credited to the fund.

13 (2) THE FUND SHALL BE EXPENDED ONLY AS PROVIDED IN THIS  
14 ACT. AMOUNTS IN THE FUND IN EXCESS OF THE NECESSARY REVENUE  
15 DETERMINED BY THE COMMISSION UNDER SECTION 3(A) MAY BE USED FOR  
16 CRIME VICTIMS COMPENSATION UNDER ACT NO. 223 OF THE PUBLIC ACTS  
17 OF 1976, BEING SECTIONS 18.351 TO 18.368 OF THE MICHIGAN COMPILED  
18 LAWS.

19 Sec. 5. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUB-  
20 SECTION, THE court shall order each person convicted of a felony  
21 to pay an assessment of ~~-\$30.00-~~ \$40.00 and shall order each  
22 person convicted of a ~~serious~~ misdemeanor ~~or impaired or~~  
23 ~~intoxicated driving~~ to pay an assessment of \$20.00. ~~If the~~  
24 ~~court allows the payment of fines, costs, restitution, probation~~  
25 ~~oversight fees, or any other obligations of the defendant to be~~  
26 ~~paid in installments, the assessment provided for in this section~~  
27 ~~shall be collected at the time of the first installment payment.~~

~~1 The assessment shall be used to pay for crime victim rights~~  
~~2 services under section 24 of article I of the state constitution~~  
~~3 of 1963 as provided under this act.~~ IF THE PERSON HAS PREVIOUSLY  
4 BEEN CONVICTED OF 1 OR MORE FELONIES, THE COURT SHALL ORDER THE  
5 PERSON TO PAY AN ASSESSMENT OF \$100.00. PAYMENT OF THE ASSESS-  
6 MENT SHALL BE A CONDITION OF A PROBATION ORDER ENTERED UNDER  
7 CHAPTER XI OF THE CODE OF CRIMINAL PROCEDURE, ACT NO. 175 OF THE  
8 PUBLIC ACTS OF 1927, BEING SECTIONS 771.1 TO 771.14A OF THE  
9 MICHIGAN COMPILED LAWS, OR A PAROLE ORDER ENTERED UNDER SECTION  
10 36 OF ACT NO. 232 OF THE PUBLIC ACTS OF 1953, BEING SECTION  
11 791.236 OF THE MICHIGAN COMPILED LAWS.

12 (2) THE JUVENILE DIVISION OF THE PROBATE COURT SHALL ORDER  
13 EACH JUVENILE FOR WHOM THE COURT ENTERS AN ORDER OF DISPOSITION  
14 FOR A JUVENILE OFFENSE TO PAY AN ASSESSMENT OF \$20.00.

15 (3) EXCEPT AS OTHERWISE PROVIDED UNDER THIS ACT, AN ASSESS-  
16 MENT UNDER THIS SECTION SHALL BE USED TO PAY FOR CRIME VICTIM  
17 RIGHTS SERVICES.

18 (4) IF THE PERSON ORDERED TO PAY AN ASSESSMENT POSTED A CASH  
19 BOND OR BAIL DEPOSIT IN CONNECTION WITH THE CASE, THE COURT SHALL  
20 COLLECT THE ASSESSMENT OUT OF THAT BOND OR DEPOSIT AS PROVIDED IN  
21 SECTION 15 OF CHAPTER V OF THE CODE OF CRIMINAL PROCEDURE, ACT  
22 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 765.15 OF THE  
23 MICHIGAN COMPILED LAWS, OR SECTION 6 OR 7 OF ACT NO. 257 OF THE  
24 PUBLIC ACTS OF 1966, BEING SECTIONS 780.66 AND 780.67 OF THE  
25 MICHIGAN COMPILED LAWS.

26 (5) AN ASSESSMENT ORDERED TO BE PAID BY A PERSON UNDER THIS  
27 ACT SHALL BE PAID IN THE FOLLOWING ORDER OF PRIORITY IN RELATION

1 TO THE FOLLOWING FINES OR COURT-ORDERED PAYMENTS TO WHICH THE  
2 PERSON MAY BE SUBJECT:

3 (A) FIRST, ANY ORDER OF RESTITUTION FOR CRIME VICTIMS.

4 (B) SECOND, THE ASSESSMENT IMPOSED UNDER THIS ACT, UNLESS  
5 THE COURT HAS COLLECTED THE ASSESSMENT PURSUANT TO SUBSECTION  
6 (4).

7 (C) THIRD, ANY CRIMINAL FINE.

8 (D) FOURTH, ANY COURT COSTS.

9 (E) FIFTH, ANY FAMILY SUPPORT ORDER.

10 (F) SIXTH, ANY OTHER COURT-ORDERED PAYMENTS OR ASSESSMENTS.

11 (6) ~~-(2)-~~ The clerk of the court shall ~~on the last day of~~  
12 ~~each month,~~ do both of the following ON THE LAST DAY OF EACH  
13 MONTH:

14 (a) Transmit ~~all~~ 95% of the assessments received under  
15 ~~subsection (1)-~~ THIS SECTION to the department of treasury with  
16 a written report of those assessments as ~~prescribed by~~ the  
17 department of treasury PRESCRIBES. THE COURT MAY RETAIN 5% OF  
18 ALL ASSESSMENTS RECEIVED FOR COSTS INCURRED PURSUANT TO THIS  
19 SECTION.

20 (b) Transmit a written report to the department ~~on~~ on a  
21 form ~~prescribed by~~ the department ~~PRESCRIBES~~ PRESCRIBES containing all  
22 of the following information for that month:

23 (i) The name of the court.

24 (ii) The total number of criminal convictions obtained in  
25 that court.

26 (iii) The total number of defendants against whom an  
27 assessment was imposed by that court.

(iv) The total amount of assessments imposed by that court.

(v) The total amount of assessments collected by that court.

(vi) Other information required by the department.

(7) ON OR BEFORE JUNE 30 AND DECEMBER 31 OF EACH YEAR, THE CLERK OF THE COURT SHALL TRANSMIT A WRITTEN REPORT ON THE STATUS OF ALL UNCOLLECTED ASSESSMENTS TO THE DEPARTMENT IN THE FORM THE DEPARTMENT PRESCRIBES.

Sec. 6. (1) A court, department, or local agency ~~which~~ THAT provides ~~services to implement~~ crime victim rights ~~under~~ ~~section 24 of article I of the state constitution of 1963~~ SERVICES may apply QUARTERLY to the department for compensation for the cost of those services to that court, department, or local agency as provided under this act. The application shall be on a form provided by the department. ~~, and shall be submitted quarterly.~~

(2) The department shall compensate ~~courts and~~ units of government for the actual and reasonable administrative costs incurred by those ~~courts and~~ units of government under this act. TO THE EXTENT ADMINISTRATIVE COSTS ARE NOT COVERED BY SECTION 5(6)(A), THE DEPARTMENT SHALL COMPENSATE COURTS FOR THE ACTUAL AND REASONABLE COSTS INCURRED BY THOSE COURTS UNDER THIS ACT.

Sec. 7. (1) The department shall direct and authorize the state treasurer quarterly ~~, and~~ in writing ~~,~~ to disburse money from the fund to pay for crime victim rights services. THE DEPARTMENT MAY DIRECT AND AUTHORIZE THE STATE TREASURER IN

1 WRITING TO DISBURSE MONEY FROM THE FUND TO PAY FOR CRIME VICTIMS  
2 COMPENSATION AS PROVIDED IN SECTION 4(2).

3 (2) The department shall establish minimum service and fund-  
4 ing levels for the courts, departments, and local agencies that  
5 receive funds under this act. A disbursement to cover the mini-  
6 mum funding level established by the department shall be annually  
7 distributed to eligible courts, departments, and local agencies.  
8 Costs for crime victim rights services beyond the minimum funding  
9 level shall be reimbursed to the eligible court, department, or  
10 local agency pursuant to section 6. The department shall make  
11 the implementation of crime victim rights a priority, and may  
12 develop financial incentive programs to enhance the delivery of  
13 crime victim rights services under this act.

14 (3) The department shall make disbursements to the treasurer  
15 of a unit of government, and the treasurer shall transmit that  
16 money to courts, departments, and local agencies — within that  
17 unit of government — as ~~directed by~~ the department DIRECTS.  
18 The department may withhold a distribution to a unit of govern-  
19 ment until the treasurer of that unit of government has distrib-  
20 uted all previous disbursements made by the department to courts,  
21 departments, and local agencies within that unit of government.

22 (4) The department shall receive disbursements for its  
23 administrative costs as authorized by appropriation.