



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bills 925 and 929 (as introduced 3-13-96)
Sponsor: Senator William Van Regenmorter (Senate Bill 925)
Senator John D. Cherry, Jr. (Senate Bill 929)
Committee: Judiciary

Date Completed: 4-22-96

CONTENT

Senate Bills 925 and 929 would amend the Department of Corrections law and the Code of Criminal Procedure, respectively, to do all of the following:

- **Require that the Department of Corrections (DOC) deduct the amount of an order of restitution, for which a prisoner was liable, from money to be deposited in the prisoner's account.**
- **Provide that a restitution order would be a judgment and lien against the property of a person ordered to pay restitution.**
- **Require that a court give the DOC a copy of a restitution order if a person ordered to pay restitution were remanded to the DOC's jurisdiction.**

Senate Bill 925 is tie-barred to Senate Bill 929. Senate Bill 929 is tie-barred to Senate Bill 925, as well as to Senate Bills 926 and 930, which would make amendments to the juvenile code and the Crime Victim's Rights Act that are similar to the provisions in Senate Bill 929.

Senate Bill 925

The bill would amend the Department of Corrections law to specify that, if a prisoner were ordered to pay restitution to a crime victim and the DOC received a copy of the restitution order from the court, the Department would have to deduct the amount of the restitution from any money to be deposited in the prisoner's account. The DOC promptly would have to forward the restitution amount to the crime victim, as provided in the restitution order.

The DOC would have to notify the prisoner, in writing, of all deductions and payments made under the bill. The bill's requirements would remain in effect until all of the restitution was paid. The DOC could not enter into any agreement with a prisoner that modified the bill's requirements. Any agreement in violation of this prohibition would be void.

Senate Bill 929

Senate Bill 929 would amend the Code of Criminal Procedure to specify that an order of restitution would be a judgment and lien against all property of an individual ordered to pay restitution for the amount indicated in the restitution order. The lien could be recorded as provided by law.

Under the bill, if a defendant who was ordered to pay restitution were remanded to the DOC's jurisdiction, the court would have to provide to the DOC a copy of the restitution order when the defendant was remanded to the DOC.

Proposed MCL 791.220g (S.B. 925)
MCL 769.1a (S.B. 929)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 925

The bill would have no fiscal impact on local government and possibly a minimal fiscal impact on the Department of Corrections.

The additional administrative requirements of deducting funds from a prisoner's account for the order of restitution could result in increased administrative costs; this new function would be in addition to the transactions and oversight the Department currently provides for prisoners' accounts.

Senate Bill 929

The bill would have no fiscal impact on the courts.

Fiscal Analyst: M. Hansen
M. Bain

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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.