



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 970 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Crime Victim's Rights Act to do all of the following:

- Eliminate a court's authority to order a juvenile or criminal offender to make partial, rather than full, restitution to victims, the Crime Victims Compensation Board, or to any legal entity that compensated the victim.
- Require a court to state on the record, with specificity, its reasons for not ordering restitution to a victim, if the victim received other compensation. If reimbursement were refused by an entity that was entitled to restitution because it had compensated the victim, that restitution would have to be deposited in the Crime Victim's Rights Assessment Fund.
- Specify that a restitution order would remain in effect until it was satisfied in full.
- Remove the \$5,000 maximum limit on the amount of restitution a juvenile offender's parents may be ordered to pay; and delete a restriction that prohibits a court from ordering a juvenile offender to pay restitution in an amount over 30% of his or her net income in a pay period.
- Eliminate consideration of the defendant's earning ability, financial resources, and other special circumstances as factors in determining the amount of restitution. (Financial resources of a juvenile offender's supervisory parent could still be considered in determining whether to order the parent to pay restitution.)
- Require a court to give to the Department of Corrections (DOC) a copy of the restitution order, if a person ordered to pay restitution were remanded to the DOC's jurisdiction.
- Require that all of the balance of an escrow account created from a defendant's proceeds from contracts relating to his or her crime, be paid to the Crime Victim's Rights Assessment Fund after specified allotments were satisfied. (Currently, 50% of the balance must be paid to the Crime Victims Compensation Board and 50% to the prisoner.)

The bill would take effect on June 1, 1996, and is tie-barred to Senate Bill 929.

MCL 712A.30 & 712A.31

Legislative Analyst: S. Margules

FISCAL IMPACT

The fiscal impact would depend on the ability of a juvenile or criminal offender to pay full restitution ordered by the court. It is indeterminate whether the stricter enforcement methods would produce additional revenue for the Crime Victims Compensation Board.

Additionally, the bill could mean additional revenue to the State if an offender received any profit resulting from his or her crime. Since the bill would prohibit the offender from receiving any of the proceeds, however, it is indeterminate whether this would cause a reduction in the number of offenders engaging in profit-making activities, thus reducing funds for restitution to crime victims from the Crime Victims Compensation Board or funds for restitution to counties and the State.

The bill would have no fiscal impact on the Department of Corrections.

Date Completed: 5-7-96

Fiscal Analyst: 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.