



**Senate Fiscal Agency**  
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**BILL ANALYSIS**



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Senate Bills 1212 and 1213 (as enrolled)

Sponsor: Senator William Van Regenmorter (Senate Bill 1212)

Senator Harry Gast (Senate Bill 1213)

Senate Committee: Judiciary

House Committee: Judiciary and Civil Rights

Date Completed: 1-15-97

**PUBLIC ACTS 519 and 520 of 1996**

**RATIONALE**

There have been two separate entities, the Crime Victims Compensation Board and the Criminal Assessments Commission, involved in dealing with crime victim services. The Criminal Assessments Commission, however, has essentially been defunct for awhile. No one has been appointed to it in about four years and its functions have been performed to a great extent by the Crime Victims Compensation Board.

The Crime Victims Compensation Board, within the Department of Management and Budget, was established by Public Act 223 of 1976. The Board consists of three members appointed by the Governor with the advice and consent of the Senate. No more than two of the appointed members may be of the same political party and at least one of the members must have been admitted to the practice of law for no less than five years immediately preceding his or her appointment. The Board's responsibilities include investigating, processing, and granting requests for compensating crime victims' out-of-pocket expenses, as well as loss of earnings or support, of up to \$15,000.

The Criminal Assessments Commission was established by Public Act 196 of 1989; its statute calls for six members to be appointed by the Governor with the advice and consent of the Senate. Under the crime victim's rights services Act, the Criminal Assessments Commission was required to consist of the Director of the Department of Management and Budget or his or her representative, a county prosecutor, a law enforcement officer, and individuals representing each of the following: the interests of victims, the interests of the judiciary, and the interests of criminal defendants. The Criminal Assessments Commission's purpose was to determine the amount of revenue that was needed each year to

pay for crime victim's rights services and to recommend an appropriate assessment against criminal defendants.

Partly because the Criminal Assessments Commission had been essentially defunct for some time and partly because of a sentiment that it is an unnecessary use of resources to have two separate public entities working on such closely related issues, some people believed that the two bodies should be eliminated and replaced with a single commission to perform their functions.

**CONTENT**

**Senate Bill 1212 amended the crime victim's compensation Act to do all of the following:**

- **Rename the Crime Victims Compensation Board the "Crime Victim Services Commission" and revise that body's membership.**
- **Include as a compensable crime an act of international terrorism that is committed outside of the United States but causes an injury to a Michigan resident.**
- **Increase the maximum amount of an award for funeral expenses from \$1,500 to \$2,000, and provide that the award may include up to \$500 for grief counseling for the victim's spouse, child, parent, or sibling.**
- **Place limits on awards for psychological counseling.**
- **Provide that a claimant's file and testimony before the Commission are exempt from the Freedom of Information Act.**

- **Repeal sections of the Act that required the Crime Victims Compensation Board to publish an informational pamphlet or card for domestic violence victims, explaining the legal rights and services available to them (MCL 18.353a), and requiring the Legislature to review the Board's functions, responsibilities, and performance four years after the Act's effective date (MCL 18.367). (The Act took effect on March 31, 1977.)**

**Senate Bill 1213 amended the crime victim's rights services Act to abolish the Criminal Assessments Commission and transfer that Commission's powers, duties, and jurisdiction to the Crime Victim Services Commission created by Senate Bill 1212.**

The bills were tie-barred.

A more detailed description of Senate Bill 1212 follows.

#### Crime Victim Services Commission

The Commission will continue as the successor agency to the Crime Victims Compensation Board in all respects and for all purposes. Members of the Board will continue in office as Commission members for their unexpired terms. The Commission consists of five, rather than three, members and no more than three, rather than two, may belong to the same political party.

As with the Board, one member of the Commission must have been admitted to the practice of law in Michigan for at least the five years immediately preceding appointment. In addition, the Commission must have one member who is a county prosecuting attorney, one who is a peace officer, one who is a member of the medical profession, and one who is a community-based victim advocate. Members' terms of office will continue to be three years, except that, of the two members appointed to satisfy the bill's expanded membership requirements, one must be appointed to an initial term of two years and the other to an initial term of three years.

#### Psychological Counseling Awards

Under the bill, an award for psychological counseling may not exceed 26 hourly sessions per victim or intervenor. The award may include up to eight family sessions that include any of the victim's or intervenor's spouse, children, parents,

or siblings who are not criminally responsible for or an accomplice to the crime. The maximum hourly reimbursement rate may not exceed \$80 per hourly session for a therapist or counselor licensed or registered to practice in Michigan; the maximum hourly reimbursement rate may not exceed \$95 per hourly session for a psychologist or physician licensed to practice in Michigan.

#### Victim Misconduct

Like the former Board, the Commission is required to determine whether the victim's misconduct contributed to his or her injury, and to reduce the award or reject the claim in accordance with that determination. The bill specifies that "misconduct", as used in this provision, includes but is not limited to provocation of or participation in a crime contemporaneous with or immediately preceding the injury.

MCL 18.351 et al. (S.B. 1212)  
780.901 et al. (S.B. 1213)

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

By creating a single body, the Crime Victims Services Commission, to handle the duties that have been spread between two separate entities, the bills will establish a more efficient process for providing victims services. The new Commission will have only five members, as opposed to the nine total members of the Board and Commission it replaces, with no decrease in services provided.

The bills also place some needed restrictions upon the compensation that can be provided to victims. Awards for psychological counseling previously had no limitations and provided greater benefits than are afforded in most insurance plans. The restrictions specified in Senate Bill 1212 provide benefits at rates similar to those offered by private insurers. In addition, the provision to include an act of international terrorism as a crime for which compensation can be awarded reportedly is needed for the State to remain eligible for \$700,000 in Federal victim-of-crime grants. Further, Senate Bill 1212 increased the amount of money that can be awarded for funeral expenses and allows up to \$500 of that amount to be used for grief counseling for the victim's close relatives. This will provide a more realistic level of

reimbursement for funerals and an opportunity for victims' families to receive emotional assistance.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bills likely will have no fiscal impact, as any savings incurred from abolishing the Criminal Assessments Commission will be offset by the new cost and responsibilities to be assumed by the Crime Victims Services Commission.

The impact of the bills' expansion of expenses that may be reimbursed is indeterminate since it is not known how many claimants will seek those reimbursements.

According to the Crime Victims Compensation Board, the cost of including grief counseling in funeral expenses awards is not expected to be significant. The average maximum award amount has been well below \$1,500 and increasing this to \$2,000 is not expected to have a significant impact on payouts to claimants.

Also, this additional cost will be offset somewhat by the limits placed on psychological counseling. Some claimants may have been in counseling for a number of years. The limit in Senate Bill 1212 on the number of sessions per victim and family and the limits on the hourly rates to be reimbursed will produce some savings.

Fiscal Analyst: M. Ortiz

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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.