

Act No. 344
Public Acts of 1996
Approved by the Governor
June 27, 1996
Filed with the Secretary of State
June 27, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Van Regenmorter

ENROLLED SENATE BILL No. 943

AN ACT to amend section 5 of Act No. 196 of the Public Acts of 1989, entitled as amended "An act to create the criminal assessments commission; to prescribe the duties of the commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," as amended by Act No. 345 of the Public Acts of 1993, being section 780.905 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 5 of Act No. 196 of the Public Acts of 1989, as amended by Act No. 345 of the Public Acts of 1993, being section 780.905 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 5. (1) The court shall order each person convicted of a felony to pay an assessment of \$60.00, and each person convicted of a serious misdemeanor or a specified misdemeanor to pay an assessment of \$50.00. The court shall order a defendant to pay only 1 assessment under this subsection per criminal case. Payment of the assessment shall be a condition of a probation order entered under chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 771.1 to 771.14a of the Michigan Compiled Laws, or a parole order entered under section 36 of Act No. 232 of the Public Acts of 1953, being section 791.236 of the Michigan Compiled Laws.

(2) The juvenile division of the probate court shall order each juvenile for whom the court enters an order of disposition for a juvenile offense to pay an assessment of \$20.00. The juvenile division of probate court shall order a juvenile to pay only 1 assessment under this subsection per case.

(3) Except as otherwise provided under this act, an assessment under this section shall be used to pay for crime victim's rights services.

(4) If the defendant ordered to pay an assessment posted a cash bond or bail deposit in connection with the case, the court shall order the assessment collected out of that bond or deposit as provided in section 15 of chapter V and section 22 of chapter XV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 765.15 and 775.22 of the Michigan Compiled Laws, or section 6 or 7 of Act No. 257 of the Public Acts of 1966, being sections 780.66 and 780.67 of the Michigan Compiled Laws.

(5) If a person is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV of Act No. 175 of the Public Acts of 1927 or section 29 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.29 of the Michigan Compiled Laws.

(6) The clerk of the court shall do both of the following on the last day of each month:

(a) Transmit 90% of the assessments received under this section to the department of treasury with a written report of those assessments as the department of treasury prescribes. To provide funding for costs incurred pursuant to this section and for providing crime victim's rights services, the court may retain 10% of the assessments received under this section and transmit that amount to the funding unit of the court.

(b) Transmit a written report to the department on a form the department prescribes containing all of the following information for that month:

(i) The name of the court.

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

(iii) The total number of defendants against whom an 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.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.