



SENATE BILL No. 1213

November 12, 1996, Introduced by Senators GAST,
VAN REGENMORTER and SHUGARS and referred to the
Committee on Judiciary.

A bill to amend the title and sections 1, 2, 3, 4, and 5 of
Act No. 196 of the Public Acts of 1989, entitled as amended

"An act to create the criminal assessments commission; to pre-
scribe the duties of the commission; to create the crime victim's
rights fund; to provide for expenditures from the fund; to pro-
vide 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 cer-
tain state and local agencies and departments,"

section 1 as amended by Act No. 26 of the Public Acts of 1996,
sections 3 and 4 as amended by Act No. 345 of the Public Acts of
1993, and section 5 as amended by Act No. 344 of the Public Acts
of 1996, being sections 780.901, 780.902, 780.903, 780.904, and
780.905 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, 3, 4, and 5 of Act
2 No. 196 of the Public Acts of 1989, section 1 as amended by Act
3 No. 26 of the Public Acts of 1996, sections 3 and 4 as amended by

1 Act No. 345 of the Public Acts of 1993, and section 5 as amended
2 by Act No. 344 of the Public Acts of 1996, being
3 sections 780.901, 780.902, 780.903, 780.904, and 780.905 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 TITLE

6 An act to ~~create the criminal assessments commission; to~~
7 prescribe ~~the~~ CERTAIN duties of the ~~commission~~ CRIME VICTIMS
8 COMPENSATION BOARD; to create the crime victim's rights fund; to
9 provide for expenditures from the fund; to provide for assess-
10 ments against criminal defendants and certain juvenile offenders;
11 to provide for payment of crime victim's rights services; and to
12 prescribe the powers and duties of certain state and local agen-
13 cies and departments.

14 Sec. 1. As used in this act:

15 (a) ~~"Commission"~~ "BOARD" means the ~~criminal assessments~~
16 ~~commission~~ CRIME VICTIMS COMPENSATION BOARD created under sec-
17 tion 2 OF ACT NO. 223 OF THE PUBLIC ACTS OF 1976, BEING
18 SECTION 18.352 OF THE MICHIGAN COMPILED LAWS.

19 (b) "Crime victim's rights services" means services required
20 to implement fully the crime victim's rights act, Act No. 87 of
21 the Public Acts of 1985, being sections 780.751 to 780.834 of the
22 Michigan Compiled Laws.

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

25 (d) "Felony" means a violation of a penal law of this state
26 for which the offender, upon conviction, may be punished by

1 imprisonment for more than 1 year ~~or~~ or an offense expressly
2 designated by law to be a felony.

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

5 (f) "Juvenile offense" means an offense committed by ~~an~~
6 ~~individual~~ A JUVENILE under the jurisdiction of the juvenile
7 division of the probate court ~~pursuant to~~ UNDER section 2(a)(1)
8 of chapter XIIIA of Act No. 288 of the Public Acts of 1939, being
9 section 712A.2 of the Michigan Compiled Laws, that if committed
10 by an adult would be a felony, serious misdemeanor, or a speci-
11 fied misdemeanor IF THE JUVENILE'S CASE IS NOT DESIGNATED AS A
12 CASE IN WHICH THE JUVENILE IS TO BE TRIED IN THE SAME MANNER AS
13 AN ADULT.

14 (g) "Serious misdemeanor" means that term as defined in
15 section 61 of Act No. 87 of the Public Acts of 1985, being
16 section 780.811 of the Michigan Compiled Laws.

17 (h) "Specified misdemeanor" means a misdemeanor violation of
18 any of the following:

19 (i) Section 602a, 625(1) or (3), 626, or 904 of the Michigan
20 vehicle code, Act No. 300 of the Public Acts of 1949, being
21 sections 257.602a, 257.625, 257.626, and 257.904 of the Michigan
22 Compiled Laws.

23 (ii) Section 82127(1) or (3) of part 821 (snowmobiles) of
24 the natural resources and environmental protection act, Act
25 No. 451 of the Public Acts of 1994, being section 324.82127 of
26 the Michigan Compiled Laws.

1 (iii) Section 81134(1) or (2) or 81135 of part 811 (off-road
2 recreation vehicles) of Act No. 451 of the Public Acts of 1994,
3 being sections 324.81134 and 324.81135 of the Michigan Compiled
4 Laws.

5 (iv) Section ~~80176~~ 80176(1) OR (3) of part 801 (marine
6 safety) of Act No. 451 of the Public Acts of 1994, being section
7 324.80176 of the Michigan Compiled Laws.

8 (v) Section 185 of the aeronautics code of the state of
9 Michigan, Act No. 327 of the Public Acts of 1945, being section
10 259.185 of the Michigan Compiled Laws.

11 (vi) Part 74 or section 17766a of the public health code,
12 Act No. 368 of the Public Acts of 1978, being sections 333.7401
13 to 333.7461 and 333.17766a of the Michigan Compiled Laws. ~~if~~
14 ~~the violation is a misdemeanor.~~

15 (vii) Section 33 of the Michigan liquor control act, Act
16 No. 8 of the Public Acts of the Extra Session of 1933, being
17 section 436.33 of the Michigan Compiled Laws.

18 (viii) Section 353 or 355 of the railroad code of 1993, Act
19 No. 354 of the Public Acts of 1993, being sections 462.353 and
20 462.355 of the Michigan Compiled Laws.

21 (ix) Section 174, 218, 356, 356d, 359, 362, 362a, 377a, 380,
22 479a, 535, or 540e of the Michigan penal code, Act No. 328 of the
23 Public Acts of 1931, being sections 750.174, 750.218, 750.356,
24 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,
25 750.479a, 750.535, and 750.540e of the Michigan Compiled Laws.

26 (x) A local ordinance substantially corresponding to a law
27 listed in subparagraphs (i) to (ix).

1 Sec. 2. ~~(1)~~ The criminal assessments commission ~~is~~
2 FORMERLY created ~~within the department~~ UNDER THIS ACT IS
3 ABOLISHED. ITS POWERS, DUTIES, AND JURISDICTION ARE TRANSFERRED
4 TO THE BOARD.

5 ~~(2) The commission shall consist of the following members~~
6 ~~appointed by the governor with the advice and consent of the~~
7 ~~senate:~~

8 ~~(a) One person who represents the interests of the~~
9 ~~judiciary.~~

10 ~~(b) One person who is a county prosecuting attorney.~~

11 ~~(c) One person who represents the interests of crime~~
12 ~~victims.~~

13 ~~(d) One person who is a law enforcement officer.~~

14 ~~(e) One person who represents the interests of criminal~~
15 ~~defendants.~~

16 ~~(f) The director of the department or his or her~~
17 ~~representative.~~

18 Sec. 3. The ~~criminal assessments commission~~ BOARD shall
19 do all of the following:

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

22 (b) Investigate and determine an appropriate assessment
23 amount to be imposed against convicted criminal defendants and
24 juveniles for whom the probate court enters orders of disposition
25 for juvenile offenses to pay for crime victim's rights services.

26 (c) By December 31 of each year, report to the governor, the
27 secretary of the senate, the clerk of the house of

1 representatives, and the department the ~~commission's~~ BOARD'S
2 findings and recommendations under this section.

3 Sec. 4. (1) The crime victim's rights fund is created as a
4 separate fund in the state treasury. The state treasurer shall
5 credit to the fund all amounts received under ~~section 5~~ THIS
6 ACT AND AS PROVIDED BY LAW. The state treasurer shall invest
7 fund money in the same manner as surplus funds are invested under
8 section ~~143~~ 3 of Act No. 105 of the Public Acts of 1855, being
9 section 21.143 of the Michigan Compiled Laws. Earnings from the
10 fund shall be credited to the fund.

11 (2) The fund shall be expended only as provided in this
12 act. Amounts in the fund in excess of the necessary revenue
13 determined by the ~~commission~~ BOARD under section 3(a) may be
14 used for crime victims' compensation under Act No. 223 of the
15 Public Acts of 1976, being sections 18.351 to 18.368 of the
16 Michigan Compiled Laws.

17 Sec. 5. (1) The court shall order each person convicted of
18 a felony to pay an assessment of \$60.00 ~~—~~ and each person con-
19 victed of a serious misdemeanor or a specified misdemeanor to pay
20 an assessment of \$50.00. The court shall order a defendant to
21 pay only 1 assessment under this subsection per criminal case.
22 Payment of the assessment shall be a condition of a probation
23 order entered under chapter XI of the code of criminal procedure,
24 Act No. 175 of the Public Acts of 1927, being sections 771.1 to
25 771.14a of the Michigan Compiled Laws, or a parole order entered
26 under section 36 of Act No. 232 of the Public Acts of 1953, being
27 section 791.236 of the Michigan Compiled Laws.

1 (2) The juvenile division of the probate court shall order
2 each juvenile for whom the court enters an order of disposition
3 for a juvenile offense to pay an assessment of \$20.00. The juve-
4 nile division of probate court shall order a juvenile to pay only
5 1 assessment under this subsection per case.

6 (3) Except as otherwise provided under this act, an assess-
7 ment under this section shall be used to pay for crime victim's
8 rights services.

9 (4) If ~~the~~ A defendant ordered to pay an assessment UNDER
10 THIS ACT posted a cash bond or bail deposit in connection with
11 the case, the court shall order the assessment collected out of
12 that bond or deposit as provided in section 15 of chapter V and
13 section 22 of chapter XV of the code of criminal procedure, Act
14 No. 175 of the Public Acts of 1927, being sections 765.15 and
15 775.22 of the Michigan Compiled Laws, or section 6 or 7 of Act
16 No. 257 of the Public Acts of 1966, being sections 780.66 and
17 780.67 of the Michigan Compiled Laws.

18 (5) If a person is subject to any combination of fines,
19 costs, restitution, assessments, or payments arising out of the
20 same criminal OR JUVENILE proceeding, money collected from that
21 person for the payment of fines, costs, restitution, assessments,
22 or other payments shall be allocated as provided in section 22 of
23 chapter XV of Act No. 175 of the Public Acts of 1927 or
24 section 29 of chapter XIIIA of Act No. 288 of the Public Acts of
25 1939, being section 712A.29 of the Michigan Compiled Laws.

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

1 (a) Transmit 90% of the assessments received under this
2 section to the department of treasury with a written report of
3 those assessments as the department of treasury prescribes. To
4 provide funding for costs incurred ~~pursuant to~~ UNDER this sec-
5 tion and for providing crime victim's rights services, the court
6 may retain 10% of the assessments received under this section and
7 transmit that amount to the COURT'S funding unit. ~~of the court.~~

8 (b) Transmit a written report to the department on a form
9 the department prescribes containing all of the following infor-
10 mation for that month:

11 (i) The name of the court.

12 (ii) The total number of criminal convictions OR DISPOSI-
13 TIONS FOR OFFENSES THAT IF COMMITTED BY AN ADULT WOULD BE
14 CRIMINAL obtained in that court.

15 (iii) The total number of defendants OR JUVENILES against
16 whom an assessment was imposed by that court.

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

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

20 (vi) Other information required by the department.

21 Section 2. This amendatory act shall not take effect unless
22 Senate Bill No. 1212

23 of the 88th Legislature is enacted into law.