

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

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House Bill 5512 (Substitute H-1 as passed by the House)  
Sponsor: Representative Gilda Jacobs  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 2-20-02

### **CONTENT**

The bill would amend the Michigan Penal Code to require that a court impose costs on a person who violated Chapter 83-A (Terrorism), proposed by Senate Bill 930, in order to do both of the following:

- Reimburse any "victim" in the manner provided in Section 1a of Chapter IX of the Code of Criminal Procedure (MCL 769.1a). (Under the bill, "victim" would mean that term as used in Section 1a.)
- Reimburse any "governmental agency" for expenses incurred as a result of the violation, in the manner provided in Section 1f of Chapter IX of the Code of Criminal Procedure (MCL 769.1f).

"Governmental agency" would mean an agency of the State, a local unit of government, or the U.S. government.

The bill would take effect on May 1, 2002, and is tie-barred to Senate Bill 930.

Proposed MCL 750.543x

### **BACKGROUND**

Section 1a of Chapter IX of the Code of Criminal Procedure requires a court, when sentencing a defendant, to order the defendant to make full restitution to any victim of his or her course of conduct that gives rise to the conviction, or to the victim's estate. (The court must order restitution to the Crime Victim Services Commission or to any individuals or entities that have compensated the victim or the victim's estate, however, for a loss incurred by the victim to the extent of the compensation paid for that loss.)

"Victim" means an individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a felony, misdemeanor, or ordinance violation and, for certain purposes, includes a sole proprietorship, partnership, corporation, association, governmental entity, or any other legal entity that suffers direct physical or financial harm as a result of a felony, misdemeanor, or ordinance violation.

Section 1f of Chapter IX of the Code of Criminal Procedure allows a court, as part of a sentence for the conviction of certain offenses, to order the convicted person to reimburse the State or a local unit of government for expenses incurred in relation to that incident including expenses for an emergency response and for prosecuting the person.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate impact on the State and local units of government. The bill would increase revenue by the amount of costs ordered by a court, to the extent that the costs were collectible.

Fiscal Analyst: Bill Bowerman