

SENATE BILL No. 442

May 1, 2003, Introduced by Senators GARCIA and CROPSEY and referred to the Committee on Appropriations.

A bill to amend 1985 PA 87, entitled
"Crime victim's rights act,"
by amending sections 16a, 44a, and 76a (MCL 780.766a, 780.794a,
and 780.826a), as added by 2000 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16a. (1) If a person is subject to any combination of
2 fines, costs, restitution, assessments, probation or parole
3 supervision fees, or other payments arising out of the same
4 criminal proceeding, money collected from that person for the
5 payment of fines, costs, restitution, assessments, probation or
6 parole supervision fees, or other payments shall be allocated as
7 provided in this section.
- 8 (2) Except as otherwise provided in this subsection, if a
9 person is subject to payment of victim payments and any

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1 combination of other fines, costs, assessments, probation or
2 parole supervision fees, or other payments, 50% of each payment
3 collected by the court from that person shall be applied to
4 payment of victim payments, and the balance shall be applied to
5 payment of fines, costs, supervision fees, and other assessments
6 or payments. If any fines, costs, supervision fees, or other
7 assessments or payments remain unpaid after all of the victim
8 payments have been paid, any additional money collected shall be
9 applied to payment of those fines, costs, supervision fees, or
10 other assessments or payments. If any victim payments remain
11 unpaid after all of the fines, costs, supervision fees, or other
12 assessments or payments have been paid, any additional money
13 collected shall be applied toward payment of those victim
14 payments.

15 (3) In cases involving prosecutions for violations of state
16 law, money allocated under subsection (2) for payment of fines,
17 costs, probation and parole supervision fees, and assessments or
18 payments other than victim payments shall be applied in the
19 following order of priority:

20 (a) Payment of the minimum state cost prescribed by section
21 1j of chapter IX of the code of criminal procedure, 1927 PA 175,
22 MCL 769.1j.

23 (b) ~~-(a)-~~ Payment of [other] costs.

24 (c) ~~-(b)-~~ Payment of fines.

25 (d) ~~-(c)-~~ Payment of probation or parole supervision fees.

26 (e) ~~-(d)-~~ Payment of assessments and other payments,
27 including reimbursement to third parties who reimbursed a victim

1 for his or her loss.

2 (4) In cases involving prosecutions for violations of local
3 ordinances, money allocated under subsection (2) for payment of
4 fines, costs, and assessments or payments other than victim
5 payments shall be applied in the following order of priority:

6 (a) Payment of the minimum state cost prescribed by section
7 1j of chapter IX of the code of criminal procedure, 1927 PA 175,
8 MCL 769.1j.

9 (b) ~~—(a)—~~ Payment of fines and [other] costs.

10 (c) ~~—(b)—~~ Payment of assessments and other payments.

11 (5) As used in this section, "victim payment" means
12 restitution ordered to be paid to the victim, to the victim's
13 estate, but not to a person who reimbursed the victim for his or
14 her loss; or an assessment ordered under section 5 of 1989
15 PA 196, MCL 780.905.

16 Sec. 44a. (1) If a juvenile is subject to any combination
17 of fines, costs, restitution, assessments, probation or parole
18 supervision fees, or other payments arising out of the same
19 criminal proceeding, money collected from that juvenile for the
20 payment of fines, costs, restitution, assessments, probation or
21 parole supervision fees, or other payments shall be allocated as
22 provided in this section.

23 (2) Except as otherwise provided in this subsection, if a
24 juvenile is subject to payment of victim payments and any
25 combination of other fines, costs, assessments, probation or
26 parole supervision fees, or other payments, 50% of each payment
27 collected by the court from that juvenile shall be applied to

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1 payment of victim payments, and the balance shall be applied to
2 payment of fines, costs, supervision fees, and other assessments
3 or payments. If any fines, costs, supervision fees, or other
4 assessments or payments remain unpaid after all of the victim
5 payments have been paid, any additional money collected shall be
6 applied to payment of those fines, costs, supervision fees, or
7 other assessments or payments. If any victim payments remain
8 unpaid after all of the fines, costs, supervision fees, or other
9 assessments or payments have been paid, any additional money
10 collected shall be applied toward payment of those victim
11 payments.

12 (3) In cases involving prosecutions for violations of state
13 law, money allocated under subsection (2) for payment of fines,
14 costs, probation and parole supervision fees, and assessments or
15 payments other than victim payments shall be applied in the
16 following order of priority:

17 (a) Payment of the minimum state cost prescribed by section
18 1j of chapter IX of the code of criminal procedure, 1927 PA 175,
19 MCL 769.1j.

20 (b) ~~—(a)—~~ Payment of [other] costs.

21 (c) ~~—(b)—~~ Payment of fines.

22 (d) ~~—(c)—~~ Payment of probation or parole supervision fees.

23 (e) ~~—(d)—~~ Payment of assessments and other payments,
24 including reimbursement to third parties who reimbursed a victim
25 for his or her loss.

26 (4) In cases involving prosecutions for violations of local
27 ordinances, money allocated under subsection (2) for payment of

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(House amendments dated June 18, 2003 shown in brackets)

1 fines, costs, and assessments or payments other than victim

2 payments shall be applied in the following order of priority:

3 **(a) Payment of the minimum state cost prescribed by section**
4 **1j of chapter IX of the code of criminal procedure, 1927 PA 175,**
5 **MCL 769.1j.**

6 **(b) —(a)—** Payment of fines and **[other]** costs.

7 **(c) —(b)—** Payment of assessments and other payments.

8 (5) As used in this section, "victim payment" means
9 restitution ordered to be paid to the victim, to the victim's
10 estate, but not to a person who reimbursed the victim for his or
11 her loss; or an assessment ordered under section 5 of 1989
12 PA 196, MCL 780.905.

13 <<Sec. 76a. (1) If a person is subject to any combination of
14 fines, costs, restitution, assessments, probation or parole supervision
15 fees, or other payments arising out of the same criminal proceeding,
16 money collected from that person for the payment of fines, costs,
17 restitution, assessments, probation or parole supervision fees, or other
18 payments shall be allocated as provided in this section.

19 (2) Except as otherwise provided in this subsection, if a person is
20 subject to payment of victim payments and any combination of other fines,
21 costs, assessments, probation or parole supervision fees, or other
22 payments, 50% of each payment collected by the court from that person
23 shall be applied to payment of victim payments, and the balance shall be
24 applied to payment of fines, costs, supervision fees, and other
25 assessments or payments. If any fines, costs, supervision fees, or other
26 assessments or payments remain unpaid after all of the victim payments
27 have been paid, any additional money collected shall be applied to

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(House amendments dated June 18, 2003 shown in brackets)

1 payment of those fines, costs, supervision fees, or other assessments or
2 payments. If any victim payments remain unpaid after all of the fines,
3 Costs, supervision fees, or other assessments or payments have been paid,
4 any additional money collected shall be applied toward payment of those
5 victim payments.

6 (3) In cases involving prosecutions for violations of state law,
7 Money allocated under subsection (2) for payment of fines, costs,
8 probation and parole supervision fees, and assessments or payments other
9 than victim payments shall be applied in the following order of priority:

10 (a) Payment of the minimum state cost prescribed by section 1j of
11 chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j.

12 (b) ~~(a)~~ Payment of [other] costs.

13 (c) ~~(b)~~ Payment of fines.

14 (d) ~~(c)~~ Payment of probation or parole supervision fees.

15 (e) ~~(d)~~ Payment of assessments and other payments, including
16 reimbursement to third parties who reimbursed a victim for his or her
17 loss.

18 (4) In cases involving prosecutions for violations of
19 Local ordinances, money allocated under subsection (2) for payment of
20 Fines, costs, and assessments or payments other than victim payments
21 Shall be applied in the following order of priority:

22 (a) Payment of the minimum state cost prescribed by
23 section 1j of chapter IX of the code of criminal procedure, 1927 PA 175,
24 MCL 769.1j.

(b) ~~(a)~~ Payment of fines and [other] costs.

(c) ~~(b)~~ Payment of assessments and other payments.

(5) As used in this section, "victim payment" means restitution
ordered to be paid to the victim, to the victim's estate, but not to a
person who reimbursed the victim for his or her loss; or an assessment
ordered under section 5 of 1989 PA 196, MCL 780.905.>>

25 Enacting section 1. This amendatory act takes effect

26 October 1, 2003.