

# 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

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 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 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

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 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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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 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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 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.

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

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

(b) ~~(a)~~ Payment of costs.

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

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

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

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

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

(b) ~~(a)~~ Payment of fines and 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.>>

Enacting section 1. This amendatory act takes effect

October 1, 2003.