

# HOUSE BILL No. 5838

April 29, 2004, Introduced by Reps. Woodward, Lipsey, DeRoche, Nofs, Meisner, Hood, Condino, McConico, Spade, Tobocman, Gaffney, Plakas, Jamnick, Meyer, Farrah, Gielegem, Garfield, Vagnozzi, Vander Veen, Emmons, Ruth Johnson, Taub and Daniels and referred to the Committee on Criminal Justice.

A bill to create the sexual assault victims' forensic medical intervention and treatment fund; to provide for assessments against certain criminal defendants and certain juvenile offenders; to provide for expenditures from the fund; to provide for establishment of and funding for crisis programs for victims of criminal sexual conduct; and to prescribe the powers and duties of certain state and local governmental officers and agencies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "sexual assault victims' forensic medical intervention and  
3 treatment act".

4           Sec. 2. As used in this act:

5           (a) "Counselor" means an employee of a sexual assault crisis  
6 center whose primary purpose is the rendering of advice,

1 counseling, or assistance to victims.

2 (b) "Criminal sexual conduct" means a violation of section  
3 520b, 520c, 520d, 520e, 520f, or 520g of the Michigan penal code,  
4 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e,  
5 750.520f, and 750.520g.

6 (c) "Department" means the family independence agency.

7 (d) "Fund" means the sexual assault victims' forensic  
8 medical intervention and treatment fund created in section 3.

9 (e) "Sexual assault crisis center" means a public or private  
10 agency that offers specialized direct assistance to victims,  
11 including, but not limited to:

12 (i) A telephone hotline that is operated 24 hours a day and  
13 answered by a sexual assault counselor or trained volunteer.

14 (ii) Information and referral services.

15 (iii) Crisis intervention services.

16 (iv) Advocacy services.

17 (v) Service coordination.

18 (vi) Community awareness or education programs on sexual  
19 assault services.

20 (f) "Sexual assault evidence kit" means that term as defined  
21 in section 21527 of the public health code, 1978 PA 368, MCL  
22 333.21527.

23 (g) "Victim" means a person who consults a sexual assault  
24 counselor for the purpose of securing advice, counseling, or  
25 assistance concerning a mental, physical, or emotional condition  
26 caused by sexual abuse or sexual violence.

27 Sec. 3. (1) The sexual assault victims' forensic medical

1 intervention and treatment fund is created within the state  
2 treasury.

3 (2) The state treasurer may receive money or other assets  
4 from any source for deposit into the fund. The state treasurer  
5 shall direct the investment of the fund. The state treasurer  
6 shall credit to the fund interest and earnings from fund  
7 investments.

8 (3) Money in the fund at the close of the fiscal year shall  
9 remain in the fund and shall not lapse to the general fund.

10 Sec. 5. (1) Money shall not be expended from the fund for  
11 the first year after the effective date of this act. Beginning 1  
12 year after the effective date of this act, the department shall  
13 expend money from the fund, upon appropriation, only as follows:

14 (a) At least 80% of the money shall be distributed to  
15 entities that do all of the following:

16 (i) Perform the procedures required by sexual assault  
17 evidence kits.

18 (ii) Provide specialized assistance to victims.

19 (iii) Operate under the auspices of or in partnership with a  
20 local sexual assault crisis center.

21 (iv) Comply with the standards of training and practice of  
22 the international association of forensic nurse examiners or a  
23 successor organization.

24 (v) Provide access to forensic medical intervention and  
25 treatment services 24 hours a day.

26 (b) Not more than 15% of the money may be expended for  
27 forensic medical intervention related training and technical

1 assistance for staff members.

2 (c) Not more than 5% of the money may be expended for  
3 administrative costs.

4 (2) The department shall distribute money under subsection  
5 (1) by awarding grants and contracts in a manner that reflects  
6 the population, geographic area, and rural and urban diversity of  
7 this state according to standards developed jointly by the  
8 department and the department of community health.

9 (3) The department may require an annual audit of income and  
10 expenditures under this section and shall provide an annual  
11 report of incomes and expenditures to the legislature by February  
12 1 of each year.

13 Sec. 7. (1) Unless the court specifically waives the  
14 assessment, a court shall order an individual who is convicted of  
15 or who pleads guilty or nolo contendere to criminal sexual  
16 conduct or attempted criminal sexual conduct, or, if the  
17 individual is a juvenile under the jurisdiction of the juvenile  
18 division of the probate court or the family division of circuit  
19 court under section 2(a)(1) of chapter XIIA of the probate code  
20 of 1939, 1939 PA 288, MCL 712A.2, for whom an order of  
21 disposition is entered for a juvenile offense that if committed  
22 by an adult would be criminal sexual conduct or attempted  
23 criminal sexual conduct, to pay an assessment of \$251.00 to the  
24 clerk of the court.

25 (2) The assessment under this section may be in addition to  
26 any other fine or assessment, including, but not limited to, any  
27 restitution to the fund ordered by the court under section 16,

1 44, or 76 of the crime victim's rights act, 1985 PA 87, MCL  
2 780.766, 780.794, and 780.826.

3 (3) Payment of an assessment under this section shall be a  
4 condition of a probation or parole order regarding the individual  
5 assessed.

6 (4) The clerk of the court shall do both of the following:

7 (a) On the last day of each month, transmit \$250.00 of each  
8 assessment collected under this section during the month to the  
9 state treasurer for deposit into the fund.

10 (b) Transmit \$1.00 of each assessment collected under this  
11 section to the court's funding unit to pay for the court's  
12 processing of the assessment.