

# Legislative Analysis



## AMENDMENTS TO CRIME VICTIM'S RIGHTS ACT

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**House Bill 6455 as introduced**  
**Sponsor: Rep. William Van Regenmorter**  
**Committee: Judiciary**

### First Analysis (9-19-06)

**BRIEF SUMMARY:** The bill would amend the William Van Regenmorter Crime Victim's Rights Act to allow sheriffs to deduct an administrative fee from prisoner accounts, to require notices to a victim when a defendant is assigned to youthful trainee status, and to require, at a victim's request, a notice if a defendant's probation is terminated earlier than previously ordered.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state and an indeterminate fiscal impact on local units of government. By allowing a county sheriff to retain as an administrative fee five percent of any amount over \$50 received by a defendant sentenced to jail, the bill would increase local revenues.

### **THE APPARENT PROBLEM:**

Public Act 184 of 2005 made numerous revisions to the Crime Victim's Rights Act, including renaming the act as the William Van Regenmorter Crime Victim's Rights Act and amending the act's three articles to require full restitution from a defendant whose conviction is set aside or dismissed upon successful completion of probation or who received a deferred or delayed sentence. Public Act 184 took effect at the beginning of the year and time has revealed that the new provisions did not get added in all the places in the act that they needed to be. Legislation is being offered to amend sections in the act that were overlooked in the previous legislation.

### **THE CONTENT OF THE BILL:**

The bill would amend the William Van Regenmorter Crime Victim's Rights Act to implement a variety of amendments to each of the act's three articles. The articles apply to victims of adult felonies, juvenile offenses, and serious misdemeanors. The bill would place the following substantially similar amendments in each of the act's three articles:

- Specify that the requirement for victims to receive certain notifications also applies if the case against the defendant is resolved by assignment of the defendant to trainee status under the Holmes Youthful Trainee Act (HYTA), by a delayed sentence or deferred judgment of guilt, or in another way that is not an acquittal or unconditional dismissal.
- Allow the notices to contain information or records to the victim that would otherwise be closed to public inspection, including the disposition of the criminal charge and an individual's assignment as youthful trainee under HYTA.

- If a defendant was sentenced to probation with a condition for the protection of the victim, and if requested by the victim, require the court to notify the victim by mail if the court orders that the probation be terminated earlier than previously ordered.
- Allow a person subject to payment of victim payments or other fines, costs, assessments, etc. to indicate that the payment collected by the court is to be applied to victim payments (currently, 50 percent of each payment collected by the court is applied to victim payments with the remainder being applied, as specified in law, to fines, costs, supervision fees, and other assessments or fees). Also, a payment received as a result of a wage assignment would have to first be applied to victim payments.
- Permit, instead of require, sheriffs to deduct 50 percent of the amount over \$50 that defendants sentenced to jail receive in a month for payment of the restitution.
- Allow a sheriff to deduct and retain five percent of the amount over \$50 that a defendant sentenced to jail received in a month as an administrative fee for making the required payments from the accounts.
- Delete a violation of Section 145a of the Michigan Penal Code (enticing a child for immoral purposes) from the list of major misdemeanors listed within the definition of "offense" because the crime is now a felony.
- Make several other technical changes in wording to bring uniformity among the provisions.

MCL 780.763a

***ARGUMENTS:***

***For:***

The bill would make revisions to the William Van Regenmorter Crime Victim's Act that were overlooked last year when more comprehensive changes were implemented into the act. For example, last year's revisions included notices to victims if the defendant was eligible to have the sentence delayed and then dismissed if all conditions of probation were complied with. However, it became clear that the act also needed to specifically require notices to be sent to victims when the defendant was assigned to the youthful trainee status under HYTA.

In addition, this bill would allow sheriffs to take a small administrative fee from defendants' accounts if a defendant received more than \$50 in a month. Getting more than \$50 a month triggers certain repayment requirements for restitution, fines, costs, and assessments. Considering that many sheriffs' departments are operating with reduced funds, this small fee will help offset administrative costs in monitoring the accounts and sending payments to victims and courts.

***Response:***

The bill would allow nonpublic information to be included in the notices that various entities are required to send to victims. In particular, the bill would allow information to be disclosed—pertaining to a disposition of the criminal charge and an individual's assignment to youthful trainee status—that under provisions in the Code of Criminal

Procedure is required to be closed to the public. It may be necessary to amend that act also, as just referencing that provision may be insufficient to allow the entities to disclose the information.

Also, the manner and the priority for which restitution, costs, fines, assessments, probation supervision fees, and so on are to be paid from money collected from defendants are set in other statutory provisions. Yet, the bill appears to contradict the repayment schedule by allowing defendants to choose to have their entire payment go solely to victim payments.

***POSITIONS:***

The Department of Corrections supports the bill. (9-13-06)

The Prosecuting Attorneys Association supports the bill. (9-13-06)

The Michigan Sheriffs Association supports the bill. (9-13-06)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.