

**SUBSTITUTE FOR
HOUSE BILL NO. 4588**

(As amended June 23, 2005)

[A bill to amend 1985 PA 87, entitled "Crime victim's rights act," by amending sections 1, 2, 6, 13a, 16, 16a, 18, 18a, 19, 20, 21, 31, 44, 44a, 46, 47, 61, 61a, 65, 76, 76a, 78, and 81 (MCL 780.751, 780.752, 780.756, 780.763a, 780.766, 780.766a, 780.768, 780.768a, 780.769, 780.770, 780.771, 780.781, 780.794, 780.794a, 780.796, 780.797, 780.811, 780.811a, 780.815, 780.826, 780.826a, 780.828, and 780.831), sections 2, 6, 13a, 16, 18a, 19, 21, 31, 44, 46, 61, 65, 76, and 78 as amended by 2000 PA 503, sections 16a, 44a, and 76a as amended by 2003 PA 98, sections 18, 47, and 81 as amended by 1996 PA 562, and section 61a as added by 1993 PA 341, and by adding section 19a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[Sec. 1. This act shall be known and may be cited as the "**WILLIAM VAN REGENMORTER** crime victim's rights act".]

1 Sec. 2. (1) Except as otherwise defined in this article, as
2 used in this article:

3 (a) "County juvenile agency" means that term as defined in
4 section 2 of the county juvenile agency act, 1998 PA 518, MCL
5 45.622.

6 (b) "Crime" means a violation of a penal law of this state for
7 which the offender, upon conviction, may be punished by
8 imprisonment for more than 1 year or an offense expressly
9 designated by law as a felony.

10 (c) "Defendant" means a person charged with, ~~or~~ convicted
11 of, **OR FOUND NOT GUILTY BY REASON OF INSANITY OF** committing a crime
12 against a victim.

13 **(D) "FACILITY", AS USED IN SECTIONS 6, 13A, 19A, AND 20 ONLY,**
14 **AND NOT WITH REFERENCE TO A JUVENILE FACILITY, MEANS THAT TERM AS**
15 **DEFINED IN SECTION 1100B OF THE MENTAL HEALTH CODE, 1974 PA 258,**
16 **MCL 330.1100B.**

17 **(E) ~~(d)~~** "Final disposition" means the ultimate termination
18 of the criminal prosecution of a defendant including, but not
19 limited to, dismissal, acquittal, or imposition of sentence by the
20 court.

21 **(F) ~~(e)~~** "Juvenile" means a person within the jurisdiction
22 of the circuit court under section 606 of the revised judicature
23 act of 1961, 1961 PA 236, MCL 600.606.

24 **(G) ~~(f)~~** "Juvenile facility" means a county facility,
25 institution operated as an agency of the county or the family
26 division of circuit court, or an institution or agency described in
27 the youth rehabilitation services act, 1974 PA 150, MCL 803.301 to

1 803.309, to which a juvenile has been committed or in which a
2 juvenile is detained.

3 (H) "HOSPITAL" MEANS THAT TERM AS DEFINED IN SECTION 100B OF
4 THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100B.

5 (I) ~~(g)~~ "Person" means an individual, organization,
6 partnership, corporation, or governmental entity.

7 (J) ~~(h)~~ "Prisoner" means a person who has been convicted
8 and sentenced to imprisonment or placement in a juvenile facility
9 for having committed a crime or an act that would be a crime if
10 committed by an adult against a victim.

11 (K) ~~(i)~~ "Prosecuting attorney" means the prosecuting
12 attorney for a county, an assistant prosecuting attorney for a
13 county, the attorney general, the deputy attorney general, an
14 assistant attorney general, or a special prosecuting attorney.

15 (L) ~~(j)~~ "Victim" means any of the following:

16 (i) An individual who suffers direct or threatened physical,
17 financial, or emotional harm as a result of the commission of a
18 crime, except as provided in subparagraph (ii), (iii), or (iv).

19 (ii) The following individuals other than the defendant if the
20 victim is deceased:

21 (A) The spouse of the deceased victim.

22 (B) A child of the deceased victim if the child is 18 years of
23 age or older and sub-subparagraph (A) does not apply.

24 (C) A parent of a deceased victim if sub-subparagraphs (A) and
25 (B) do not apply.

26 (D) The guardian or custodian of a child of a deceased victim
27 if the child is less than 18 years of age and sub-subparagraphs (A)

1 to (C) do not apply.

2 (E) A sibling of the deceased victim if sub-subparagraphs (A)
3 to (D) do not apply.

4 (F) A grandparent of the deceased victim if sub-subparagraphs
5 (A) to (E) do not apply.

6 (iii) A parent, guardian, or custodian of a victim who is less
7 than 18 years of age and who is neither the defendant nor
8 incarcerated, if the parent, guardian, or custodian so chooses.

9 (iv) A parent, guardian, or custodian of a victim who is
10 mentally or emotionally unable to participate in the legal process
11 if he or she is neither the defendant nor incarcerated.

12 (2) If a victim as defined in subsection ~~-(1)(j)(i)-~~ (1)(l)(i)
13 is physically or emotionally unable to exercise the privileges and
14 rights under this article, the victim may designate his or her
15 spouse, child 18 years of age or older, parent, sibling,
16 grandparent, or any other person 18 years of age or older who is
17 neither the defendant nor incarcerated to act in his or her place
18 while the physical or emotional disability continues. The victim
19 shall provide the prosecuting attorney with the name of the person
20 who is to act in his or her place. During the physical or emotional
21 disability, notices to be provided under this article to the victim
22 shall continue to be sent only to the victim.

23 (3) An individual who is charged with a crime arising out of
24 the same transaction from which the charge against the defendant
25 arose is not eligible to exercise the privileges and rights
26 established for victims under this article.

27 (4) An individual who is incarcerated is not eligible to

1 exercise the privileges and rights established for victims under
2 this article except that he or she may submit a written statement
3 to the court for consideration at sentencing.

4 Sec. 6. (1) Not later than 7 days after the defendant's
5 arraignment for a crime, but not less than 24 hours before a
6 preliminary examination, the prosecuting attorney shall give to
7 each victim a written notice in plain English of each of the
8 following:

9 (a) A brief statement of the procedural steps in the
10 processing of a criminal case.

11 (b) A specific list of the rights and procedures under this
12 article.

13 (c) A convenient means for the victim to notify the
14 prosecuting attorney that the victim chooses to exercise his or her
15 rights under this article.

16 (d) Details and eligibility requirements for compensation from
17 the crime victim services commission under 1976 PA 223, MCL 18.351
18 to 18.368.

19 (e) Suggested procedures if the victim is subjected to threats
20 or intimidation.

21 (f) The person to contact for further information.

22 (2) If the victim requests, the prosecuting attorney shall
23 give the victim notice of any scheduled court proceedings and any
24 changes in that schedule.

25 (3) Before finalizing any negotiation that may result in a
26 dismissal, plea or sentence bargain, or pretrial diversion, the
27 prosecuting attorney shall offer the victim the opportunity to

1 consult with the prosecuting attorney to obtain the victim's views
2 about the disposition of the prosecution for the crime, including
3 the victim's views about dismissal, plea or sentence negotiations,
4 and pretrial diversion programs.

5 (4) A victim who receives a notice under subsection (1) and
6 who chooses to receive any notice or exercise any right under this
7 article shall keep the following persons informed of the victim's
8 current address and telephone number:

9 (a) The prosecuting attorney, until final disposition or
10 completion of the appellate process, whichever occurs later.

11 (b) The department of corrections or the sheriff, as the
12 prosecuting attorney directs, if the defendant is imprisoned.

13 (c) The ~~family independence agency~~ **DEPARTMENT OF HUMAN**
14 **SERVICES** or county juvenile agency, as the prosecuting attorney
15 directs, if the defendant is held in a juvenile facility.

16 **(D) THE HOSPITAL OR FACILITY, AS THE PROSECUTING ATTORNEY**
17 **DIRECTS, IF THE DEFENDANT IS HOSPITALIZED IN OR ADMITTED TO A**
18 **HOSPITAL OR A FACILITY.**

19 Sec. 13a. (1) When a defendant is sentenced to a term of
20 imprisonment, ~~or~~ ordered to be placed in a juvenile facility, **OR**
21 **HOSPITALIZED IN OR ADMITTED TO A HOSPITAL OR A FACILITY,** the
22 prosecuting attorney shall provide the victim with a form the
23 victim may submit to receive the notices provided for under section
24 19, **19A,** 20, or 20a. The form shall include the address of the
25 department of corrections, the sheriff, the ~~family independence~~
26 ~~agency, or~~ **DEPARTMENT OF HUMAN SERVICES,** the county juvenile
27 agency, **OR THE HOSPITAL OR FACILITY,** as applicable, to which the

1 form may be sent.

2 (2) IF THE DEFENDANT IS SENTENCED TO PROBATION, THE DEPARTMENT
 3 OF CORRECTIONS [OR THE SHERIFF, AS APPLICABLE,] SHALL NOTIFY THE VICTIM
 IF THE PROBATION IS REVOKED
 4 AND THE DEFENDANT IS SENTENCED TO THE DEPARTMENT OF CORRECTIONS OR
 5 TO JAIL FOR MORE THAN 90 DAYS. THE NOTICE SHALL INCLUDE A FORM THE
 6 VICTIM MAY SUBMIT TO THE DEPARTMENT OF CORRECTIONS OR THE SHERIFF
 7 TO RECEIVE NOTICES UNDER SECTION 19, 20, OR 20A.

[(3) IF THE DEPARTMENT OF CORRECTIONS DETERMINES THAT A DEFENDANT
 WHO WAS, IN THE DEFENDANT'S JUDGMENT OF SENTENCE, NOT PROHIBITED FROM
 BEING OR PERMITTED TO BE PLACED IN THE SPECIAL ALTERNATIVE INCARCERATION
 UNIT ESTABLISHED UNDER SECTION 3 OF THE SPECIAL ALTERNATIVE INCARCERATION
 ACT, 1988 PA 287, MCL 798.13, MEETS THE ELIGIBILITY REQUIREMENTS OF
 SECTION 34A(2) AND (3) OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL
 791.234A, THE DEPARTMENT OF CORRECTIONS SHALL NOTIFY THE VICTIM, IF THE
 VICTIM HAS SUBMITTED A WRITTEN REQUEST FOR NOTIFICATION UNDER SECTION 19,
 OF THE PROPOSED PLACEMENT OF THE DEFENDANT IN THE SPECIAL ALTERNATIVE
 INCARCERATION UNIT NOT LATER THAN 30 DAYS BEFORE PLACEMENT IS INTENDED TO
 OCCUR. IN MAKING THE DECISION ON WHETHER OR NOT TO OBJECT TO THE
 PLACEMENT OF THE DEFENDANT IN A SPECIAL ALTERNATIVE INCARCERATION UNIT AS
 REQUIRED BY SECTION 34A(4) OF THE CORRECTIONS CODE OF 1953, 1953 PA 232,
 MCL 791.234A, THE SENTENCING JUDGE OR THE JUDGE'S SUCCESSOR SHALL REVIEW
 AN IMPACT STATEMENT SUBMITTED BY THE VICTIM UNDER SECTION 14.]

8 Sec. 16. (1) ~~For purposes of~~ **AS USED IN** this section only,

9 "victim" means an individual who suffers direct or threatened
 10 physical, financial, or emotional harm as a result of the
 11 commission of a crime. ~~For purposes of~~ **AS USED IN** subsections
 12 (2), (3), (6), (8), (9), and (13) **ONLY**, victim includes a sole
 13 proprietorship, partnership, corporation, association, governmental
 14 entity, or any other legal entity that suffers direct physical or
 15 financial harm as a result of a crime.

16 (2) Except as provided in subsection (8), when sentencing a
 17 defendant convicted of a crime, the court shall order, in addition
 18 to or in lieu of any other penalty authorized by law or in addition
 19 to any other penalty required by law, that the defendant make full
 20 restitution to any victim of the defendant's course of conduct that
 21 gives rise to the conviction or to the victim's estate. **FOR AN**

22 **OFFENSE THAT IS RESOLVED BY ASSIGNMENT OF THE DEFENDANT TO YOUTHFUL**

House Bill No. 4588 (H-2) as amended June 23, 2005 (2 of 2)

23 **TRAINEE STATUS, BY A DELAYED SENTENCE OR DEFERRED JUDGMENT OF**
24 **GUILT, OR IN ANOTHER WAY THAT IS NOT AN ACQUITTAL OR UNCONDITIONAL**
25 **DISMISSAL, THE COURT SHALL ORDER THE RESTITUTION REQUIRED UNDER**
26 **THIS SECTION.**

27 (3) If a crime results in damage to or loss or destruction of

1 property of a victim of the crime or results in the seizure or
2 impoundment of property of a victim of the crime, the order of
3 restitution ~~may~~ **SHALL** require that the defendant do 1 or more of
4 the following, as applicable:

5 (a) Return the property to the owner of the property or to a
6 person designated by the owner.

7 (b) If return of the property under subdivision (a) is
8 impossible, impractical, or inadequate, pay an amount equal to the
9 greater of subparagraph (i) or (ii), less the value, determined as of
10 the date the property is returned, of that property or any part of
11 the property that is returned:

12 (i) The value of the property on the date of the damage, loss,
13 or destruction.

14 (ii) The value of the property on the date of sentencing.

15 (c) Pay the costs of the seizure or impoundment, or both.

16 (4) If a crime results in physical or psychological injury to
17 a victim, the order of restitution ~~may~~ **SHALL** require that the
18 defendant do 1 or more of the following, as applicable:

19 (a) Pay an amount equal to the reasonably determined cost of
20 medical and related professional services and devices actually
21 incurred and reasonably expected to be incurred relating to
22 physical and psychological care.

23 (b) Pay an amount equal to the reasonably determined cost of
24 physical and occupational therapy and rehabilitation actually
25 incurred and reasonably expected to be incurred.

26 (c) Reimburse the victim or the victim's estate for after-tax
27 income loss suffered by the victim as a result of the crime.

1 (d) Pay an amount equal to the reasonably determined cost of
2 psychological and medical treatment for members of the victim's
3 family actually incurred and reasonably expected to be incurred as
4 a result of the crime.

5 (e) Pay an amount equal to the reasonably determined costs of
6 homemaking and child care expenses actually incurred and reasonably
7 expected to be incurred as a result of the crime or, if homemaking
8 or child care is provided without compensation by a relative,
9 friend, or any other person, an amount equal to the costs that
10 would reasonably be incurred as a result of the crime for that
11 homemaking and child care, based on the rates in the area for
12 comparable services.

13 (f) Pay an amount equal to the cost of actual funeral and
14 related services.

15 (g) If the deceased victim could be claimed as a dependent by
16 his or her parent or guardian on the parent's or guardian's
17 federal, state, or local income tax returns, pay an amount equal to
18 the loss of the tax deduction or tax credit. The amount of
19 reimbursement shall be estimated for each year the victim could
20 reasonably be claimed as a dependent.

21 **(H) PAY AN AMOUNT EQUAL TO INCOME ACTUALLY LOST BY THE SPOUSE,**
22 **PARENT, SIBLING, CHILD, OR GRANDPARENT OF THE VICTIM BECAUSE THE**
23 **FAMILY MEMBER LEFT HIS OR HER EMPLOYMENT, TEMPORARILY OR**
24 **PERMANENTLY, TO CARE FOR THE VICTIM BECAUSE OF THE INJURY.**

25 (5) If a crime resulting in bodily injury also results in the
26 death of a victim or serious impairment of a body function of a
27 victim, the court may order up to 3 times the amount of restitution

1 otherwise allowed under this section. As used in this subsection,
2 "serious impairment of a body function of a victim" includes, but
3 is not limited to, 1 or more of the following:

4 (a) Loss of a limb or use of a limb.

5 (b) Loss of a hand or foot or use of a hand or foot.

6 (c) Loss of an eye or use of an eye or ear.

7 (d) Loss or substantial impairment of a bodily function.

8 (e) Serious visible disfigurement.

9 (f) A comatose state that lasts for more than 3 days.

10 (g) Measurable brain damage or mental impairment.

11 (h) A skull fracture or other serious bone fracture.

12 (i) Subdural hemorrhage or subdural hematoma.

13 (j) Loss of a body organ.

14 (6) If the victim or victim's estate consents, the order of
15 restitution may require that the defendant make restitution in
16 services in lieu of money.

17 (7) If the victim is deceased, the court shall order that the
18 restitution be made to the victim's estate.

19 (8) The court shall order restitution to the crime victim
20 services commission or to any individuals, partnerships,
21 corporations, associations, governmental entities, or other legal
22 entities that have compensated the victim or the victim's estate
23 for a loss incurred by the victim to the extent of the compensation
24 paid for that loss. The court shall also order restitution for the
25 costs of services provided to persons or entities that have
26 provided services to the victim as a result of the crime. Services
27 that are subject to restitution under this subsection include, but

1 are not limited to, shelter, food, clothing, and transportation.
2 However, an order of restitution shall require that all restitution
3 to a victim or victim's estate under the order be made before any
4 restitution to any other person or entity under that order is made.
5 The court shall not order restitution to be paid to a victim or
6 victim's estate if the victim or victim's estate has received or is
7 to receive compensation for that loss, and the court shall state on
8 the record with specificity the reasons for its action.

9 (9) Any amount paid to a victim or victim's estate under an
10 order of restitution shall be set off against any amount later
11 recovered as compensatory damages by the victim or the victim's
12 estate in any federal or state civil proceeding and shall reduce
13 the amount payable to a victim or a victim's estate by an award
14 from the crime victim services commission made after an order of
15 restitution under this section.

16 (10) If not otherwise provided by the court under this
17 subsection, restitution shall be made immediately. However, the
18 court may require that the defendant make restitution under this
19 section within a specified period or in specified installments.

20 (11) If the defendant is placed on probation or paroled or the
21 court imposes a conditional sentence as provided in section 3 of
22 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
23 769.3, any restitution ordered under this section shall be a
24 condition of that probation, parole, or sentence. The court may
25 revoke probation or impose imprisonment under the conditional
26 sentence and the parole board may revoke parole if the defendant
27 fails to comply with the order and if the defendant has not made a

1 good faith effort to comply with the order. In determining whether
2 to revoke probation or parole or impose imprisonment, the court or
3 parole board shall consider the defendant's employment status,
4 earning ability, and financial resources, the willfulness of the
5 defendant's failure to pay, and any other special circumstances
6 that may have a bearing on the defendant's ability to pay.

7 (12) ~~A~~ **SUBJECT TO SUBSECTION (18), A** defendant who is
8 required to pay restitution and who is not in willful default of
9 the payment of the restitution may at any time petition the
10 sentencing judge or his or her successor to modify the method of
11 payment. If the court determines that payment under the order will
12 impose a manifest hardship on the defendant or his or her immediate
13 family, and if the court also determines that modifying the method
14 of payment will not impose a manifest hardship on the victim, the
15 court may modify the method of payment.

16 (13) An order of restitution entered under this section
17 remains effective until it is satisfied in full. An order of
18 restitution is a judgment and lien against all property of the
19 defendant for the amount specified in the order of restitution. The
20 lien may be recorded as provided by law. An order of restitution
21 may be enforced by the prosecuting attorney, a victim, a victim's
22 estate, or any other person or entity named in the order to receive
23 the restitution in the same manner as a judgment in a civil action
24 or a lien.

25 (14) Notwithstanding any other provision of this section, a
26 defendant shall not be imprisoned, jailed, or incarcerated for a
27 violation of probation or parole or otherwise for failure to pay

1 restitution as ordered under this section unless the court or
2 parole board determines that the defendant has the resources to pay
3 the ordered restitution and has not made a good faith effort to do
4 so.

5 (15) If the court determines that a juvenile is or will be
6 unable to pay all of the restitution ordered, after notice to the
7 juvenile's parent or parents and an opportunity for the parent or
8 parents to be heard the court may order the parent or parents
9 having supervisory responsibility for the juvenile at the time of
10 the acts upon which an order of restitution is based to pay any
11 portion of the restitution ordered that is outstanding. An order
12 under this subsection does not relieve the juvenile of his or her
13 obligation to pay restitution as ordered, but the amount owed by
14 the juvenile shall be offset by any amount paid by his or her
15 parent. As used in this subsection:

16 (a) "Juvenile" means a person within the court's jurisdiction
17 under section 2d or 4 of chapter XIIA of the probate code of 1939,
18 1939 PA 288, MCL 712A.2d and 712A.4.

19 (b) "Parent" does not include a foster parent.

20 (16) If the court orders a parent to pay restitution under
21 subsection (15), the court shall take into account the parent's
22 financial resources and the burden that the payment of restitution
23 will impose, with due regard to any other moral or legal financial
24 obligations the parent may have. If a parent is required to pay
25 restitution under subsection (15), the court shall provide for
26 payment to be made in specified installments and within a specified
27 period of time.

1 (17) A parent who has been ordered to pay restitution under
2 subsection (15) may petition the court for a modification of the
3 amount of restitution owed by the parent or for a cancellation of
4 any unpaid portion of the parent's obligation. The court shall
5 cancel all or part of the parent's obligation due if the court
6 determines that payment of the amount due will impose a manifest
7 hardship on the parent and if the court also determines that
8 modifying the method of payment will not impose a manifest hardship
9 on the victim.

10 (18) In each case in which payment of restitution is ordered
11 as a condition of probation, the court ~~may~~ **SHALL** order any
12 employed defendant to **MAKE REGULARLY SCHEDULED RESTITUTION**
13 **PAYMENTS. IF THE DEFENDANT MISSES 2 OR MORE REGULARLY SCHEDULED**
14 **PAYMENTS, THE COURT SHALL ORDER THE DEFENDANT TO** execute a wage
15 assignment to pay the restitution. The probation officer assigned
16 to the case shall review the case not less than twice yearly to
17 ensure that restitution is being paid as ordered. If the
18 restitution was ordered to be made within a specific period of
19 time, the probation officer assigned to the case shall review the
20 case at the end of the specific period of time to determine if the
21 restitution has been paid in full. The final review shall be
22 conducted not less than 60 days before the probationary period
23 expires. If the probation officer determines at any review that
24 restitution is not being paid as ordered, the probation officer
25 shall file a written report of the violation with the court on a
26 form prescribed by the state court administrative office or shall
27 petition the court for a probation violation. The report or

1 petition shall include a statement of the amount of the arrearage
2 and any reasons for the arrearage known by the probation officer.
3 The probation officer shall immediately provide a copy of the
4 report or petition to the prosecuting attorney. If a petition or
5 motion is filed or other proceedings are initiated to enforce
6 payment of restitution and the court determines that restitution is
7 not being paid or has not been paid as ordered by the court, the
8 court shall promptly take action necessary to compel compliance.

9 (19) If a defendant who is ordered to pay restitution under
10 this section is remanded to the jurisdiction of the department of
11 corrections, the court shall provide a copy of the order of
12 restitution to the department of corrections when the defendant is
13 remanded to the department's jurisdiction.

14 (20) The court shall not impose a fee on a victim, victim's
15 estate, or prosecuting attorney for enforcing an order of
16 restitution.

17 (21) If a person or entity entitled to restitution **UNDER THIS**
18 **SECTION** cannot be located, ~~or~~ refuses to claim ~~that~~ **THE**
19 restitution within 2 years after the date on which he or she could
20 have claimed the restitution, **OR REFUSES TO ACCEPT THE RESTITUTION,**
21 the restitution ~~paid~~ to **WHICH** that person or entity **IS ENTITLED**
22 shall be deposited in the crime victim's rights fund created under
23 section 4 of 1989 PA 196, MCL 780.904, or its successor fund.
24 However, a person or entity entitled to that restitution may claim
25 that restitution any time by applying to the court that originally
26 ordered and collected it. The court shall notify the crime victim
27 services commission of the application and the commission shall

1 approve a reduction in the court's revenue transmittal to the crime
2 victim rights fund equal to the restitution owed to the person or
3 entity. The court shall use the reduction to reimburse that
4 restitution to the person or entity.

5 (22) THE COURT MAY AMEND AN ORDER OF RESTITUTION ENTERED UNDER
6 THIS SECTION ON A MOTION BY THE PROSECUTING ATTORNEY, THE VICTIM,
7 OR THE DEFENDANT BASED UPON NEW INFORMATION RELATED TO THE INJURY,
8 DAMAGES, OR LOSS FOR WHICH THE RESTITUTION WAS ORDERED.

9 (23) A COURT THAT RECEIVES NOTICE THAT A DEFENDANT WHO HAS AN
10 OBLIGATION TO PAY RESTITUTION UNDER THIS SECTION HAS DECLARED
11 BANKRUPTCY SHALL FORWARD A COPY OF THAT NOTICE TO THE PROSECUTING
12 ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE
13 VICTIM AT THE VICTIM'S LAST KNOWN ADDRESS.

14 Sec. 16a. (1) If a person is subject to any combination of
15 fines, costs, restitution, assessments, probation or parole
16 supervision fees, or other payments arising out of the same
17 criminal proceeding, money collected from that person for the
18 payment of fines, costs, restitution, assessments, probation or
19 parole supervision fees, or other payments **ORDERED TO BE PAID IN**
20 **THAT PROCEEDING** shall be allocated as provided in this section.
21 **IF A PERSON IS SUBJECT TO FINES, COSTS, RESTITUTION, ASSESSMENTS,**
22 **PROBATION OR PAROLE SUPERVISION FEES, OR OTHER PAYMENTS IN MORE**
23 **THAN 1 PROCEEDING IN A COURT AND IF A PERSON MAKING A PAYMENT ON**
24 **THE FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE**
25 **SUPERVISION FEES, OR OTHER PAYMENTS DOES NOT INDICATE THE**
26 **PROCEEDING FOR WHICH THE PAYMENT IS MADE, THE COURT SHALL FIRST**
27 **APPLY THE MONEY PAID TO A PROCEEDING IN WHICH THERE IS UNPAID**

1 **RESTITUTION TO BE ALLOCATED AS PROVIDED IN THIS SECTION.**

2 (2) Except as otherwise provided in this subsection, if a
3 person is subject to payment of victim payments and any combination
4 of other fines, costs, assessments, probation or parole supervision
5 fees, or other payments, 50% of each payment collected by the court
6 from that person shall be applied to payment of victim payments,
7 and the balance shall be applied to payment of fines, costs,
8 supervision fees, and other assessments or payments. If any fines,
9 costs, supervision fees, or other assessments or payments remain
10 unpaid after all of the victim payments have been paid, any
11 additional money collected shall be applied to payment of those
12 fines, costs, supervision fees, or other assessments or payments.
13 If any victim payments remain unpaid after all of the fines, costs,
14 supervision fees, or other assessments or payments have been paid,
15 any additional money collected shall be applied toward payment of
16 those victim payments.

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

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

25 (b) Payment of other costs.

26 (c) Payment of fines.

27 (d) Payment of probation or parole supervision fees.

1 (e) Payment of assessments and other payments, including
 2 reimbursement to third parties who reimbursed a victim for his or
 3 her loss.

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

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

11 (b) Payment of fines and other costs.

12 (c) Payment of assessments and other payments.

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

18 Sec. 18. (1) A person convicted of a crime shall not derive
 19 any profit from the sale of ~~his or her recollections, thoughts,~~
 20 ~~and feelings with regard to the offense committed by that person~~
 21 **ANY OF THE FOLLOWING** until the victim receives any restitution or
 22 compensation ordered for him or her against the defendant, ~~and~~
 23 expenses of incarceration are ~~recovered as provided in~~ **PAID UNDER**
 24 subsection (3), and ~~until~~ **ANY BALANCE IN** the escrow account
 25 created under subsection (2) is ~~terminated~~ **PAID** under subsection
 26 (4): —

27 **(A) THE PERSON'S RECOLLECTIONS OF OR THOUGHTS OR FEELINGS**

1 ABOUT THE OFFENSE COMMITTED BY THE PERSON.

2 (B) MEMORABILIA RELATED TO THE OFFENSE COMMITTED BY THE
3 PERSON.

4 (C) THE PERSON'S PROPERTY IF ITS VALUE HAS BEEN ENHANCED OR
5 INCREASED BY THE PERSON'S NOTORIETY.

6 (2) Upon the conviction of a defendant for a crime involving a
7 victim, and after notice to ~~any interested party~~ **ALL INTERESTED**
8 **PARTIES**, an attorney for the county in which the conviction
9 occurred or the attorney general may petition the court in which
10 the conviction occurred to order that **THE** defendant forfeit all or
11 any part of proceeds received or to be received by the defendant ~~—~~
12 or the defendant's representatives or assignees ~~—~~ from ~~contracts~~
13 **ANY OF THE FOLLOWING:**

14 (A) **CONTRACTS** relating to the depiction of the crime or the
15 defendant's recollections, thoughts, or feelings about the crime,
16 in books, magazines, media entertainment, or live entertainment. ~~—~~
17 ~~as provided in this section. The proceeds~~

18 (B) **THE SALE OF MEMORABILIA RELATING TO THE CRIME.**

19 (C) **THE SALE OF PROPERTY OF THE DEFENDANT, THE VALUE OF WHICH**
20 **HAS BEEN ENHANCED OR INCREASED BY THE DEFENDANT'S NOTORIETY ARISING**
21 **FROM THE CRIME.**

22 (3) **PROCEEDS ORDERED FORFEITED UNDER SUBSECTION (2)** shall be
23 held in **AN** escrow **ACCOUNT** for a period of not more than 5 years.

24 (4) ~~(3)~~ During the existence of ~~the~~ **AN** escrow account
25 **CREATED UNDER SUBSECTION (3)**, proceeds in the account shall be
26 distributed in the following priority to satisfy the following:

27 (a) An order of restitution entered under ~~sections 16 and 17~~

1 **SECTION 16.**

2 (b) Any civil judgment in favor of the victim against ~~that~~
3 **THE** defendant.

4 (c) Any reimbursement ordered under the prisoner reimbursement
5 to the county act, ~~Act No. 118 of the Public Acts of 1984, being~~
6 ~~sections 801.81 to 801.93 of the Michigan Compiled Laws, or ordered~~
7 ~~under~~ **1984 PA 118, MCL 801.81 TO 801.93, OR** the state correctional
8 facility reimbursement act, ~~Act No. 253 of the Public Acts of~~
9 ~~1935, being sections 800.401 to 800.406 of the Michigan Compiled~~
10 ~~Laws~~ **1935 PA 253, MCL 800.401 TO 800.406.**

11 (D) **FINES, COSTS, AND OTHER ASSESSMENTS ORDERED AGAINST THE**
12 **DEFENDANT.**

13 (5) ~~(4) The~~ **A** balance remaining in ~~the~~ **AN** escrow account
14 **CREATED UNDER SUBSECTION (3)** at the end of the escrow period shall
15 be paid to the crime victim's rights ~~assessment~~ fund **CREATED IN**
16 **SECTION 4 OF 1989 PA 196, MCL 780.904.**

17 Sec. 18a. (1) Upon the request of the victim, the prosecuting
18 attorney shall notify the victim of the following:

19 (a) That the defendant filed an appeal of his or her
20 conviction or sentence or that the prosecuting attorney filed an
21 appeal.

22 (b) Whether the defendant has been ordered released on bail or
23 other recognizance pending the disposition of the appeal. If the
24 prosecuting attorney is notified that the defendant has been
25 ordered released on bail or other recognizance pending disposition
26 of the appeal, the prosecuting attorney shall use any means
27 reasonably calculated to give the victim notice of that order

1 within 24 hours after the prosecuting attorney is notified of the
2 order.

3 (c) The time and place of any appellate court ~~proceedings~~
4 **ORAL ARGUMENTS** and any changes in the time or place of those
5 ~~proceedings~~ **ARGUMENTS**.

6 (d) The result of the appeal. If the conviction is ordered
7 reversed, the sentence is vacated, the case is remanded for a new
8 trial, or the prosecuting attorney's appeal is denied, and if the
9 prosecuting attorney has filed the appropriate notice with the
10 appellate court, the appellate court shall expedite delivery of the
11 relevant document to the prosecuting attorney's office by any means
12 reasonably calculated to give the prosecuting attorney prompt
13 notice. The prosecuting attorney shall use any means reasonably
14 calculated to give the victim notice of that order within 24 hours
15 after the prosecuting attorney is notified of the order.

16 (2) If the prosecuting attorney is not successful in notifying
17 the victim of an event described in subsection (1) within the
18 period set forth in that subsection, the prosecuting attorney shall
19 notify the victim of that event as soon as possible by any means
20 reasonably calculated to give the victim prompt actual notice.

21 (3) ~~Upon the request of the victim, the~~ **THE** prosecuting
22 attorney shall provide the victim with a brief explanation in plain
23 English of the appeal process, including the possible dispositions.

24 (4) If the case is returned to the trial court for further
25 proceedings or a new trial, the victim has the same rights as
26 previously requested during the proceedings that led to the appeal.

27 Sec. 19. (1) Upon the victim's written request, the sheriff or

1 the department of corrections shall mail to the victim the
2 following, as applicable, about a prisoner who has been sentenced
3 to imprisonment under the jurisdiction of the sheriff or the
4 department for the crime against that victim:

5 (a) Within 30 days after the request, notice of the sheriff's
6 calculation of the prisoner's earliest release date or the
7 department's calculation of the prisoner's earliest parole
8 eligibility date, with all potential good time or disciplinary
9 credits considered, if the sentence of imprisonment exceeds 90
10 days. ~~The victim may request 1-time only notice of the calculation~~
11 ~~described in this subdivision.~~

12 (b) Notice of the prisoner's transfer or pending transfer to a
13 minimum security facility and the facility's address.

14 (c) Notice of the prisoner's release or pending release in a
15 community residential program or under furlough; any other transfer
16 to community status; any transfer from 1 community residential
17 program or electronic monitoring program to another; or any
18 transfer from a community residential program or electronic
19 monitoring program to a state correctional facility.

20 (d) Notice of the escape of the person accused, convicted, or
21 imprisoned for committing a crime against the victim, as provided
22 in section 20.

23 (e) Notice of the victim's right to address or submit a
24 written statement for consideration by a parole board member or a
25 member of any other panel having authority over the prisoner's
26 release on parole, as provided in section 21.

27 (f) Notice of the decision of the parole board, or any other

1 panel having authority over the prisoner's release on parole, after
2 a parole review, as provided in section ~~21(3)~~ 21.

3 (g) Notice of the release of a prisoner 90 days before the
4 date of the prisoner's discharge from prison, unless the notice has
5 been otherwise provided under this article.

6 (h) Notice of a public hearing under section 44 of **THE**
7 **CORRECTIONS CODE OF 1953**, 1953 PA 232, MCL 791.244, regarding a
8 reprieve, commutation, or pardon of the prisoner's sentence by the
9 governor.

10 (i) Notice that a reprieve, commutation, or pardon has been
11 granted.

12 (j) Notice that a prisoner has had his or her name legally
13 changed while on parole or within 2 years after release from
14 parole.

15 (k) Notice that a prisoner has been convicted of a new crime.

16 (l) Notice that a prisoner has been returned from parole status
17 to a correctional facility due to an alleged violation of the
18 conditions of his or her parole.

19 (2) A victim's address and telephone number maintained by a
20 sheriff or the department of corrections upon a request for notice
21 under ~~subsection (1) is~~ **THIS SECTION ARE** exempt from disclosure
22 under the freedom of information act, 1976 PA 442, MCL 15.231 to
23 15.246.

24 **SEC. 19A. (1) ON A VICTIM'S WRITTEN REQUEST, THE DIRECTOR OF A**
25 **HOSPITAL OR FACILITY WHERE A DEFENDANT FOUND NOT GUILTY BY REASON OF**
26 **INSANITY HAS BEEN HOSPITALIZED OR ADMITTED BY COURT ORDER SHALL**
27 **NOTIFY THE VICTIM OF THE FOLLOWING:**

1 (A) A PENDING TRANSFER OF THE DEFENDANT TO A LESS SECURE
2 HOSPITAL OR FACILITY.

3 (B) A PENDING TRANSFER OF THE DEFENDANT TO ALTERNATIVE CARE OR
4 TREATMENT OR COMMUNITY PLACEMENT.

5 (C) A PENDING LEAVE, ABSENCE, FURLOUGH, OR OTHER RELEASE FROM
6 CONFINEMENT FOR THE DEFENDANT, WHETHER TEMPORARY OR PERMANENT.

7 (2) A NOTICE REQUIRED BY SUBSECTION (1) SHALL BE GIVEN BY ANY
8 MEANS REASONABLY CALCULATED TO GIVE THE VICTIM PROMPT ACTUAL
9 NOTICE.

10 (3) A VICTIM'S ADDRESS AND TELEPHONE NUMBER MAINTAINED BY A
11 HOSPITAL OR FACILITY UNDER THIS SECTION IS EXEMPT FROM DISCLOSURE
12 UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO
13 15.246.

14 Sec. 20. (1) ~~As provided in subsection (2) or (3),~~ THE
15 PERSON DESIGNATED IN SUBSECTIONS (2) TO (4) SHALL GIVE a victim who
16 requests notice ~~of the escape~~ and the prosecuting attorney who is
17 prosecuting or has prosecuted the crime for which ~~the person~~ A
18 DEFENDANT is detained, ~~or~~ under sentence, ~~shall be given~~
19 HOSPITALIZED, OR ADMITTED TO A FACILITY immediate notice of the
20 escape of the ~~person~~ DEFENDANT accused, convicted, ~~or~~
21 imprisoned, HOSPITALIZED, OR ADMITTED for committing a crime
22 against the victim. The notice shall be given by any means
23 reasonably calculated to give prompt actual notice.

24 (2) If ~~the~~ AN escape FOR WHICH A NOTICE UNDER THIS SECTION
25 IS REQUIRED occurs before ~~the~~ sentence is executed or before the
26 defendant is delivered to the department of corrections,
27 HOSPITALIZED, OR ADMITTED TO A FACILITY, the chief law enforcement

1 officer of the agency in charge of the person's detention shall
2 give notice of the escape to the prosecuting attorney, who shall
3 then give notice of the escape to ~~a~~ **THE** victim who requested
4 notice.

5 (3) If the defendant is confined ~~pursuant to~~ **UNDER** a
6 sentence, the notice **REQUIRED UNDER THIS SECTION** shall be given by
7 the chief administrator of the place in which the prisoner is
8 confined.

9 **(4) IF THE DEFENDANT IS HOSPITALIZED UNDER AN ORDER OF**
10 **HOSPITALIZATION OR ADMITTED TO A FACILITY UNDER AN ORDER OF**
11 **ADMISSION, THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE GIVEN BY**
12 **THE DIRECTOR OF THE HOSPITAL IN WHICH THE DEFENDANT IS HOSPITALIZED**
13 **OR BY THE DIRECTOR OF THE FACILITY TO WHICH THE DEFENDANT IS**
14 **ADMITTED.**

15 Sec. 21. (1) A victim ~~shall have~~ **HAS** the right to address or
16 submit a written statement for consideration by a parole board
17 member or a member of any other panel having authority over the
18 prisoner's release on parole.

19 (2) Not less than 30 days before a review of the prisoner's
20 release, a victim who has requested notice under section 19(1)(f)
21 shall be given written notice by the department of corrections
22 informing the victim of the pending review and of victims' rights
23 under this section. The victim, at his or her own expense, may be
24 represented by counsel at the review.

25 (3) A victim shall receive notice of the decision of the board
26 or panel and, if applicable, notice of the date of the prisoner's
27 release on parole. Notice shall be mailed within a reasonable time

1 after the board or panel reaches its decision but not later than 14
2 days after the board or panel has reached its decision. The notice
3 shall include a statement of the victim's right to appeal a parole
4 decision, as allowed under section ~~34(9)~~ 34 of **THE CORRECTIONS**
5 **CODE OF 1953**, 1953 PA 232, MCL 791.234.

6 (4) **A RECORD OF AN ORAL STATEMENT OR A WRITTEN STATEMENT MADE**
7 **UNDER SUBSECTION (1) IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF**
8 **INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.**

9 Sec. 31. (1) Except as otherwise defined in this article, as
10 used in this article:

11 (a) "County juvenile agency" means that term as defined in
12 section 2 of the county juvenile agency act, 1998 PA 518, MCL
13 45.622.

14 (b) "Court" means the family division of circuit court.

15 (c) "Designated case" means a case designated as a case in
16 which the juvenile is to be tried in the same manner as an adult
17 under section 2d of chapter XIIIA of the probate code of 1939, 1939
18 PA 288, MCL 712A.2d.

19 (d) "Juvenile" means an individual alleged or found to be
20 within the court's jurisdiction under section 2(a)(1) of chapter
21 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, for an
22 offense, including, but not limited to, an individual in a
23 designated case.

24 (e) "Juvenile facility" means a county facility, an
25 institution operated as an agency of the county or the court, or an
26 institution or agency described in the youth rehabilitation
27 services act, 1974 PA 150, MCL 803.301 to 803.309, to which a

1 juvenile has been committed or in which a juvenile is detained.

2 (f) "Offense" means 1 or more of the following:

3 (i) A violation of a penal law of this state for which a
4 juvenile offender, if convicted as an adult, may be punished by
5 imprisonment for more than 1 year or an offense expressly
6 designated by law as a felony.

7 (ii) A violation of section 81 (assault and battery, including
8 domestic violence), 81a (assault; infliction of serious injury,
9 including aggravated domestic violence), 115 (breaking and entering
10 or illegal entry), ~~136b(5)~~ **136B(6)** (child abuse in the fourth
11 degree), **145 (CONTRIBUTING TO THE NEGLECT OR DELINQUENCY OF A**
12 **MINOR)**, 145a (enticing a child for immoral purposes), **145D (USING**
13 **THE INTERNET OR A COMPUTER TO MAKE A PROHIBITED COMMUNICATION)**, **233**
14 **(INTENTIONALLY AIMING A FIREARM WITHOUT MALICE)**, 234 (discharge of
15 a firearm intentionally aimed at a person), 235 (discharge of an
16 intentionally aimed firearm resulting in injury), 335a (indecent
17 exposure), or 411h (stalking) of the Michigan penal code, 1931 PA
18 328, MCL 750.81, 750.81a, 750.115, 750.136b, **750.145**, 750.145a,
19 **750.145D**, **750.233**, 750.234, 750.235, 750.335a, and 750.411h.

20 (iii) A violation of section **601B(2) (INJURING A WORKER IN A**
21 **WORK ZONE) OR** 617a (leaving the scene of a personal injury
22 accident) of the Michigan vehicle code, 1949 PA 300, MCL **257.601B**
23 **AND** 257.617a, or a violation of section 625 (operating a vehicle
24 while under the influence of or impaired by intoxicating liquor or
25 a controlled substance, or with unlawful blood alcohol content) of
26 that act, MCL 257.625, if the violation involves an accident
27 resulting in damage to another individual's property or physical

1 injury or death to another individual.

2 (iv) Selling or furnishing alcoholic liquor to an individual
3 less than 21 years of age in violation of section 33 of the former
4 1933 (Ex Sess) PA 8, or section 701 of the Michigan liquor control
5 code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in
6 physical injury or death to any individual.

7 (v) A violation of section 80176(1) or (3) (operating a vessel
8 while under the influence of or impaired by intoxicating liquor or
9 a controlled substance, or with unlawful blood alcohol content) of
10 the natural resources and environmental protection act, 1994 PA
11 451, MCL 324.80176, if the violation involves an accident resulting
12 in damage to another individual's property or physical injury or
13 death to any individual.

14 (vi) A violation of a local ordinance substantially
15 corresponding to a law enumerated in subparagraphs (i) to (v).

16 (vii) A violation described in subparagraphs (i) to (vi) that is
17 subsequently reduced to a violation not included in subparagraphs
18 (i) to (vi).

19 (g) "Person" means an individual, organization, partnership,
20 corporation, or governmental entity.

21 (h) "Prosecuting attorney" means the prosecuting attorney for
22 a county, an assistant prosecuting attorney for a county, the
23 attorney general, the deputy attorney general, an assistant
24 attorney general, a special prosecuting attorney, or, in connection
25 with the prosecution of an ordinance violation, an attorney for the
26 political subdivision that enacted the ordinance upon which the
27 violation is based.

1 (i) "Victim" means any of the following:

2 (i) A person who suffers direct or threatened physical,
3 financial, or emotional harm as a result of the commission of an
4 offense, except as provided in subparagraph (ii), (iii), or (iv).

5 (ii) The following individuals other than the juvenile if the
6 victim is deceased:

7 (A) The spouse of the deceased victim.

8 (B) A child of the deceased victim if the child is 18 years of
9 age or older and sub-subparagraph (A) does not apply.

10 (C) A parent of a deceased victim if sub-subparagraphs (A) and
11 (B) do not apply.

12 (D) The guardian or custodian of a child of a deceased victim
13 if the child is less than 18 years of age and sub-subparagraphs (A)
14 to (C) do not apply.

15 (E) A sibling of the deceased victim if sub-subparagraphs (A)
16 to (D) do not apply.

17 (F) A grandparent of the deceased victim if sub-subparagraphs
18 (A) to (E) do not apply.

19 (iii) A parent, guardian, or custodian of a victim who is less
20 than 18 years of age and who is neither the defendant nor
21 incarcerated, if the parent, guardian, or custodian so chooses.

22 (iv) A parent, guardian, or custodian of a victim who is
23 mentally or emotionally unable to participate in the legal process
24 if he or she is neither the defendant nor incarcerated.

25 (2) If a victim as defined in subsection ~~(1)(h)(i)~~ **(1)(I)(i)**
26 is physically or emotionally unable to exercise the privileges and
27 rights under this article, the victim may designate his or her

1 spouse, child 18 years of age or older, parent, sibling,
2 grandparent, or any other person 18 years of age or older who is
3 neither the defendant nor incarcerated to act in his or her place
4 while the physical or emotional disability continues. The victim
5 shall provide the prosecuting attorney with the name of the person
6 who is to act in his or her place. During the physical or emotional
7 disability, notices to be provided under this article to the victim
8 shall continue to be sent only to the victim.

9 (3) An individual who is charged with an offense arising out
10 of the same transaction from which the charge against the defendant
11 arose is not eligible to exercise the privileges and rights
12 established for victims under this article.

13 Sec. 44. (1) ~~For purposes of~~ **AS USED IN** this section only:

14 (a) "Offense" means a violation of a penal law of this state
15 or a violation of an ordinance of a local unit of government of
16 this state punishable by imprisonment or by a fine that is not a
17 civil fine.

18 (b) "Victim" means an individual who suffers direct or
19 threatened physical, financial, or emotional harm as a result of
20 the commission of an offense. ~~For purposes of~~ **AS USED IN**
21 subsections (2), (3), (6), (8), (9), and (13) **ONLY**, victim includes
22 a sole proprietorship, partnership, corporation, association,
23 governmental entity, or any other legal entity that suffers direct
24 physical or financial harm as a result of an offense.

25 (2) Except as provided in subsection (8), at the dispositional
26 hearing or sentencing for an offense, the court shall order, in
27 addition to or in lieu of any other disposition or penalty

1 authorized by law, that the juvenile make full restitution to any
2 victim of the juvenile's course of conduct that gives rise to the
3 disposition or conviction or to the victim's estate. For an offense
4 that is resolved informally by means of a consent calendar
5 diversion or any other informal method that does not result in a
6 dispositional hearing, the court shall order the restitution
7 required under this section.

8 (3) If an offense results in damage to or loss or destruction
9 of property of a victim of the offense or results in the seizure or
10 impoundment of property of a victim of the offense, the order of
11 restitution ~~may~~ **SHALL** require that the juvenile do 1 or more of
12 the following, as applicable:

13 (a) Return the property to the owner of the property or to a
14 person designated by the owner.

15 (b) If return of the property under subdivision (a) is
16 impossible, impractical, or inadequate, pay an amount equal to the
17 greater of subparagraph (i) or (ii), less the value, determined as of
18 the date the property is returned, of that property or any part of
19 the property that is returned:

20 (i) The value of the property on the date of the damage, loss,
21 or destruction.

22 (ii) The value of the property on the date of disposition.

23 (c) Pay the costs of the seizure or impoundment, or both.

24 (4) If an offense results in physical or psychological injury
25 to a victim, the order of restitution ~~may~~ **SHALL** require that the
26 juvenile do 1 or more of the following, as applicable:

27 (a) Pay an amount equal to the reasonably determined cost of

1 medical and related professional services and devices actually
2 incurred and reasonably expected to be incurred relating to
3 physical and psychological care.

4 (b) Pay an amount equal to the reasonably determined cost of
5 physical and occupational therapy and rehabilitation actually
6 incurred and reasonably expected to be incurred.

7 (c) Reimburse the victim or the victim's estate for after-tax
8 income loss suffered by the victim as a result of the offense.

9 (d) Pay an amount equal to the reasonably determined cost of
10 psychological and medical treatment for members of the victim's
11 family actually incurred or reasonably expected to be incurred as a
12 result of the offense.

13 (e) Pay an amount equal to the reasonably determined costs of
14 homemaking and child care expenses actually incurred or reasonably
15 expected to be incurred as a result of the offense or, if
16 homemaking or child care is provided without compensation by a
17 relative, friend, or any other person, an amount equal to the costs
18 that would reasonably be incurred as a result of the offense for
19 that homemaking and child care, based on the rates in the area for
20 comparable services.

21 (f) Pay an amount equal to the cost of actual funeral and
22 related services.

23 (g) If the deceased victim could be claimed as a dependent by
24 his or her parent or guardian on the parent's or guardian's
25 federal, state, or local income tax returns, pay an amount equal to
26 the loss of the tax deduction or tax credit. The amount of
27 reimbursement shall be estimated for each year the victim could

1 reasonably be claimed as a dependent.

2 (H) PAY AN AMOUNT EQUAL TO INCOME ACTUALLY LOST BY THE SPOUSE,
3 PARENT, SIBLING, CHILD, OR GRANDPARENT OF THE VICTIM BECAUSE THE
4 FAMILY MEMBER LEFT HIS OR HER EMPLOYMENT, TEMPORARILY OR
5 PERMANENTLY, TO CARE FOR THE VICTIM BECAUSE OF THE INJURY.

6 (5) If an offense resulting in bodily injury also results in
7 the death of a victim or serious impairment of a body function of a
8 victim, the court may order up to 3 times the amount of restitution
9 otherwise allowed under this section. As used in this subsection,
10 "serious impairment of a body function of a victim" includes, but
11 is not limited to, 1 or more of the following:

- 12 (a) Loss of a limb or use of a limb.
13 (b) Loss of a hand or foot or use of a hand or foot.
14 (c) Loss of an eye or use of an eye or ear.
15 (d) Loss or substantial impairment of a bodily function.
16 (e) Serious visible disfigurement.
17 (f) A comatose state that lasts for more than 3 days.
18 (g) Measurable brain damage or mental impairment.
19 (h) A skull fracture or other serious bone fracture.
20 (i) Subdural hemorrhage or subdural hematoma.
21 (j) Loss of a body organ.

22 (6) If the victim or victim's estate consents, the order of
23 restitution may require that the juvenile make restitution in
24 services in lieu of money.

25 (7) If the victim is deceased, the court shall order that the
26 restitution be made to the victim's estate.

27 (8) The court shall order restitution to the crime victim

1 services commission or to any individuals, partnerships,
2 corporations, associations, governmental entities, or other legal
3 entities that have compensated the victim or the victim's estate
4 for a loss incurred by the victim to the extent of the compensation
5 paid for that loss. The court shall also order restitution for the
6 costs of services provided to persons or entities that have
7 provided services to the victim as a result of the offense.
8 Services that are subject to restitution under this subsection
9 include, but are not limited to, shelter, food, clothing, and
10 transportation. However, an order of restitution shall require that
11 all restitution to a victim or victim's estate under the order be
12 made before any restitution to any other person or entity under
13 that order is made. The court shall not order restitution to be
14 paid to a victim or victim's estate if the victim or victim's
15 estate has received or is to receive compensation for that loss,
16 and the court shall state on the record with specificity the
17 reasons for its action.

18 (9) Any amount paid to a victim or victim's estate under an
19 order of restitution shall be set off against any amount later
20 recovered as compensatory damages by the victim or the victim's
21 estate in any federal or state civil proceeding and shall reduce
22 the amount payable to a victim or a victim's estate by an award
23 from the crime victim services commission made after an order of
24 restitution under this section.

25 (10) If not otherwise provided by the court under this
26 subsection, restitution shall be made immediately. However, the
27 court may require that the juvenile make restitution under this

1 section within a specified period or in specified installments.

2 (11) If the juvenile is placed on probation, any restitution
3 ordered under this section shall be a condition of that probation.
4 The court may revoke probation if the juvenile fails to comply with
5 the order and if the juvenile has not made a good faith effort to
6 comply with the order. In determining whether to revoke probation,
7 the court shall consider the juvenile's employment status, earning
8 ability, and financial resources, the willfulness of the juvenile's
9 failure to pay, and any other special circumstances that may have a
10 bearing on the juvenile's ability to pay.

11 (12) ~~A~~ **SUBJECT TO SUBSECTION (18), A** juvenile who is
12 required to pay restitution and who is not in willful default of
13 the payment of the restitution may at any time petition the court
14 to modify the method of payment. If the court determines that
15 payment under the order will impose a manifest hardship on the
16 juvenile or his or her immediate family, and if the court also
17 determines that modifying the method of payment will not impose a
18 manifest hardship on the victim, the court may modify the method of
19 payment.

20 (13) An order of restitution entered under this section
21 remains effective until it is satisfied in full. An order of
22 restitution is a judgment and lien against all property of the
23 individual ordered to pay restitution for the amount specified in
24 the order of restitution. The lien may be recorded as provided by
25 law. An order of restitution may be enforced by the prosecuting
26 attorney, a victim, a victim's estate, or any other person or
27 entity named in the order to receive the restitution in the same

1 manner as a judgment in a civil action or a lien.

2 (14) Notwithstanding any other provision of this section, a
3 juvenile shall not be detained or imprisoned for a violation of
4 probation or parole or otherwise for failure to pay restitution as
5 ordered under this section unless the court determines that the
6 juvenile has the resources to pay the ordered restitution and has
7 not made a good faith effort to do so.

8 (15) If the court determines that the juvenile is or will be
9 unable to pay all of the restitution ordered, after notice to the
10 juvenile's parent or parents and an opportunity for the parent or
11 parents to be heard, the court may order the parent or parents
12 having supervisory responsibility for the juvenile at the time of
13 the acts upon which an order of restitution is based to pay any
14 portion of the restitution ordered that is outstanding. An order
15 under this subsection does not relieve the juvenile of his or her
16 obligation to pay restitution as ordered, but the amount owed by
17 the juvenile shall be offset by any amount paid by his or her
18 parent. As used in this subsection, "parent" does not include a
19 foster parent.

20 (16) If the court orders a parent to pay restitution under
21 subsection (15), the court shall take into account the parent's
22 financial resources and the burden that the payment of restitution
23 will impose, with due regard to any other moral or legal financial
24 obligations the parent may have. If a parent is required to pay
25 restitution under subsection (15), the court shall provide for
26 payment to be made in specified installments and within a specified
27 period of time.

1 (17) A parent who has been ordered to pay restitution under
2 subsection (15) may petition the court for a modification of the
3 amount of restitution owed by the parent or for a cancellation of
4 any unpaid portion of the parent's obligation. The court shall
5 cancel all or part of the parent's obligation due if the court
6 determines that payment of the amount due will impose a manifest
7 hardship on the parent and if the court also determines that
8 modifying the method of payment will not impose a manifest hardship
9 on the victim.

10 (18) In each case in which payment of restitution is ordered
11 as a condition of probation, the court ~~may~~ **SHALL** order any
12 employed juvenile to **MAKE REGULARLY SCHEDULED RESTITUTION PAYMENTS.**
13 **IF THE JUVENILE MISSES 2 OR MORE REGULARLY SCHEDULED PAYMENTS, THE**
14 **COURT SHALL ORDER THE JUVENILE TO** execute a wage assignment to pay
15 the restitution. The juvenile caseworker or probation officer
16 assigned to the case shall review the case not less than twice
17 yearly to ensure that restitution is being paid as ordered. If the
18 restitution was ordered to be made within a specific period of
19 time, the juvenile caseworker or probation officer assigned to the
20 case shall review the case at the end of the specific period of
21 time to determine if the restitution has been paid in full. The
22 final review shall be conducted not less than 60 days before the
23 probationary period expires. If the juvenile caseworker or
24 probation officer determines at any review the restitution is not
25 being paid as ordered, the juvenile caseworker or probation officer
26 shall file a written report of the violation with the court on a
27 form prescribed by the state court administrative office or shall

1 petition the court for a probation violation. The report or
2 petition shall include a statement of the amount of the arrearage,
3 and any reasons for the arrearage known by the juvenile caseworker
4 or probation officer. The juvenile caseworker or probation officer
5 shall immediately provide a copy of the report or petition to the
6 prosecuting attorney. If a petition or motion is filed or other
7 proceedings are initiated to enforce payment of restitution and the
8 court determines that restitution is not being paid or has not been
9 paid as ordered by the court, the court shall promptly take action
10 necessary to compel compliance.

11 (19) If the court determines that an individual who is ordered
12 to pay restitution under this section is remanded to the
13 jurisdiction of the department of corrections, the court shall
14 provide a copy of the order of restitution to the department of
15 corrections when the court determines that the individual is
16 remanded to the department's jurisdiction.

17 (20) The court shall not impose a fee on a victim, victim's
18 estate, or prosecuting attorney for enforcing an order of
19 restitution.

20 (21) If a person or entity entitled to restitution **UNDER THIS**
21 **SECTION** cannot be located, ~~or~~ refuses to claim ~~that~~ **THE**
22 restitution within 2 years after the date on which he or she could
23 have claimed the restitution, **OR REFUSES TO ACCEPT THE RESTITUTION,**
24 the restitution ~~paid~~ to **WHICH** that person or entity **IS ENTITLED**
25 shall be deposited in the crime victim's rights fund created under
26 section 4 of 1989 PA 196, MCL 780.904, or its successor fund.
27 However, a person or entity entitled to that restitution may claim

1 that restitution any time by applying to the court that originally
2 ordered and collected it. The court shall notify the crime victim
3 services commission of the application and the commission shall
4 approve a reduction in the court's revenue transmittal to the crime
5 victim rights fund equal to the restitution owed to the person or
6 entity. The court shall use the reduction to reimburse that
7 restitution to the person or entity.

8 **(22) THE COURT MAY AMEND AN ORDER OF RESTITUTION ENTERED UNDER**
9 **THIS SECTION ON A MOTION BY THE PROSECUTING ATTORNEY, THE VICTIM,**
10 **OR THE DEFENDANT BASED UPON NEW INFORMATION RELATED TO THE INJURY,**
11 **DAMAGES, OR LOSS FOR WHICH THE RESTITUTION WAS ORDERED.**

12 **(23) A COURT THAT RECEIVES NOTICE THAT A DEFENDANT WHO HAS AN**
13 **OBLIGATION TO PAY RESTITUTION UNDER THIS SECTION HAS DECLARED**
14 **BANKRUPTCY SHALL FORWARD A COPY OF THAT NOTICE TO THE PROSECUTING**
15 **ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE**
16 **VICTIM AT THE VICTIM'S LAST KNOWN ADDRESS.**

17 Sec. 44a. (1) If a juvenile is subject to any combination of
18 fines, costs, restitution, assessments, probation or parole
19 supervision fees, or other payments arising out of the same
20 criminal proceeding, money collected from that juvenile for the
21 payment of fines, costs, restitution, assessments, probation or
22 parole supervision fees, or other payments **ORDERED TO BE PAID IN**
23 **THAT PROCEEDING** shall be allocated as provided in this section. **IF**
24 **A PERSON IS SUBJECT TO FINES, COSTS, RESTITUTION, ASSESSMENTS,**
25 **PROBATION OR PAROLE SUPERVISION FEES, OR OTHER PAYMENTS IN MORE**
26 **THAN 1 PROCEEDING IN A COURT AND IF A PERSON MAKING A PAYMENT ON**
27 **THE FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE**

1 SUPERVISION FEES, OR OTHER PAYMENTS DOES NOT INDICATE THE
2 PROCEEDING FOR WHICH THE PAYMENT IS MADE, THE COURT SHALL FIRST
3 APPLY THE MONEY PAID TO A PROCEEDING IN WHICH THERE IS UNPAID
4 RESTITUTION TO BE ALLOCATED AS PROVIDED IN THIS SECTION.

5 (2) Except as otherwise provided in this subsection, if a
6 juvenile is subject to payment of victim payments and any
7 combination of other fines, costs, assessments, probation or parole
8 supervision fees, or other payments, 50% of each payment collected
9 by the court from that juvenile shall be applied to payment of
10 victim payments, and the balance shall be applied to payment of
11 fines, costs, supervision fees, and other assessments or payments.
12 If any fines, costs, supervision fees, or other assessments or
13 payments remain unpaid after all of the victim payments have been
14 paid, any additional money collected shall be applied to payment of
15 those fines, costs, supervision fees, or other assessments or
16 payments. If any victim payments remain unpaid after all of the
17 fines, costs, supervision fees, or other assessments or payments
18 have been paid, any additional money collected shall be applied
19 toward payment of those victim payments.

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

25 (a) Payment of the minimum state cost prescribed by section 1j
26 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
27 769.1j.

1 (b) Payment of other costs.

2 (c) Payment of fines.

3 (d) Payment of probation or parole supervision fees.

4 (e) Payment of assessments and other payments, including
5 reimbursement to third parties who reimbursed a victim for his or
6 her loss.

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

11 (a) Payment of the minimum state cost prescribed by section 1j
12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
13 769.1j.

14 (b) Payment of fines and other costs.

15 (c) Payment of assessments and other payments.

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

21 Sec. 46. (1) Upon the request of the victim, the prosecuting
22 attorney shall notify the victim of the following:

23 (a) That the juvenile filed an appeal of his or her
24 adjudication, conviction, disposition, or sentence or the
25 prosecuting attorney filed an appeal.

26 (b) Whether the juvenile has been ordered released on bail or
27 other recognizance pending the disposition of the appeal. If the

1 prosecuting attorney is notified that the juvenile has been ordered
2 released on bail or other recognizance pending disposition of the
3 appeal, the prosecuting attorney shall use any means reasonably
4 calculated to give the victim notice of that order within 24 hours
5 after the prosecuting attorney is notified of the order.

6 (c) The time and place of any appellate court ~~proceedings~~
7 **ORAL ARGUMENTS** and any changes in the time or place of those
8 ~~proceedings~~ **ARGUMENTS**.

9 (d) The result of the appeal. If the disposition or conviction
10 is ordered reversed, the sentence is vacated, the case is remanded
11 for a new trial, or the prosecuting attorney's appeal is denied,
12 and if the prosecuting attorney has filed the appropriate notice
13 with the appellate court, the appellate court shall expedite
14 delivery of the relevant document to the prosecuting attorney's
15 office by any means reasonably calculated to give the prosecuting
16 attorney prompt notice. The prosecuting attorney shall use any
17 means reasonably calculated to give the victim notice of that order
18 within 24 hours after the prosecuting attorney is notified of the
19 order.

20 (2) If the prosecuting attorney is not successful in notifying
21 the victim of an event described in subsection (1) within the
22 period set forth in that subsection, the prosecuting attorney shall
23 notify the victim of that event as soon as possible by any means
24 reasonably calculated to give the victim prompt actual notice.

25 (3) ~~Upon the request of the victim, the~~ **THE** prosecuting
26 attorney shall provide the victim with a brief explanation in plain
27 English of the appeal process, including the possible dispositions.

1 (4) If the case is returned to the court for further
 2 proceedings or a new trial, the victim has the same rights as
 3 previously requested during the proceedings that led to the appeal.

4 Sec. 47. (1) A juvenile adjudicated for an offense shall not
 5 derive any profit from the sale of ~~his or her recollections,~~
 6 ~~thoughts, and feelings with regard to the offense committed by that~~
 7 ~~juvenile~~ **ANY OF THE FOLLOWING** until the victim receives any
 8 restitution or compensation ordered for him or her against the
 9 juvenile, ~~and expenses of detention are recovered as provided in~~
 10 **PAID UNDER** subsection (3), ~~and until~~ **AND ANY BALANCE IN** the
 11 escrow account created under subsection (2) is ~~terminated~~ **PAID**
 12 under subsection (4): —

13 (A) **THE JUVENILE'S RECOLLECTIONS OF OR THOUGHTS OR FEELINGS**
 14 **ABOUT THE OFFENSE COMMITTED BY THE JUVENILE.**

15 (B) **MEMORABILIA RELATED TO THE OFFENSE COMMITTED BY THE**
 16 **JUVENILE.**

17 (C) **THE JUVENILE'S PROPERTY IF ITS VALUE HAS BEEN ENHANCED OR**
 18 **INCREASED BY THE JUVENILE'S NOTORIETY.**

19 (2) Upon the disposition of a juvenile offense involving a
 20 victim, and after notice to ~~any interested party~~ **ALL INTERESTED**
 21 **PARTIES**, an attorney for the county in which the disposition
 22 occurred or the attorney general may petition the court in which
 23 the disposition occurred to order that **THE** juvenile forfeit all or
 24 any part of proceeds received or to be received by the juvenile —
 25 or the juvenile's representatives or assignees — from ~~contracts~~
 26 **ANY OF THE FOLLOWING:**

27 (A) **CONTRACTS** relating to the depiction of the offense or the

1 juvenile's recollections, thoughts, or feelings about the offense,
 2 in books, magazines, media entertainment, or live entertainment. —
 3 ~~as provided in this section. The proceeds~~

4 (B) THE SALE OF MEMORABILIA RELATING TO THE OFFENSE.

5 (C) THE SALE OF PROPERTY OF THE JUVENILE, THE VALUE OF WHICH
 6 HAS BEEN ENHANCED OR INCREASED BY THE JUVENILE'S NOTORIETY ARISING
 7 FROM THE CRIME.

8 (3) PROCEEDS ORDERED FORFEITED UNDER SUBSECTION (2) shall be
 9 held in AN escrow ACCOUNT for a period of not more than 5 years.

10 (4) ~~(3)~~ During the existence of ~~the~~ AN escrow account
 11 CREATED UNDER SUBSECTION (3), proceeds in the account shall be
 12 distributed in the following priority to satisfy the following:

13 (a) An order of restitution entered under ~~sections 44 and 45~~
 14 SECTION 44.

15 (b) Any civil judgment in favor of the victim against ~~that~~
 16 THE juvenile.

17 (c) Any reimbursement for detention ordered under section 18
 18 of chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939, being~~
 19 ~~section 712A.18 of the Michigan Compiled Laws~~ THE PROBATE CODE OF
 20 1939, 1939 PA 288, MCL 712A.18.

21 (D) FINES, COSTS, AND OTHER ASSESSMENTS ORDERED AGAINST THE
 22 JUVENILE.

23 (5) ~~(4)~~ The A balance remaining in ~~the~~ AN escrow account
 24 CREATED UNDER SUBSECTION (3) at the end of the escrow period shall
 25 be paid to the crime victim's rights ~~assessment~~ fund CREATED
 26 UNDER SECTION 4 OF 1989 PA 196, MCL 780.904.

27 Sec. 61. (1) Except as otherwise defined in this article, as

1 used in this article:

2 (a) "Serious misdemeanor" means 1 or more of the following:

3 (i) A violation of section 81 of the Michigan penal code, 1931
4 PA 328, MCL 750.81, assault and battery, including domestic
5 violence.

6 (ii) A violation of section 81a of the Michigan penal code,
7 1931 PA 328, MCL 750.81a, assault; infliction of serious injury,
8 including aggravated domestic violence.

9 (iii) A violation of section 115 of the Michigan penal code,
10 1931 PA 328, MCL 750.115, breaking and entering or illegal entry.

11 (iv) A violation of section 136b(6) of the Michigan penal code,
12 1931 PA 328, MCL 750.136b, child abuse in the fourth degree.

13 (v) **A VIOLATION OF SECTION 145 OF THE MICHIGAN PENAL CODE,**
14 **1931 PA 328, MCL 750.145, CONTRIBUTING TO THE NEGLECT OR**
15 **DELINQUENCY OF A MINOR.**

16 (vi) ~~-(v)-~~ A violation of section 145a of the Michigan penal
17 code, 1931 PA 328, MCL 750.145a, enticing a child for immoral
18 purposes.

19 (vii) **A MISDEMEANOR VIOLATION OF SECTION 145D OF THE MICHIGAN**
20 **PENAL CODE, 1931 PA 328, MCL 750.145D, USING THE INTERNET OR A**
21 **COMPUTER TO MAKE A PROHIBITED COMMUNICATION.**

22 (viii) **A VIOLATION OF SECTION 233 OF THE MICHIGAN PENAL CODE,**
23 **1931 PA 238, MCL 750.233, INTENTIONALLY AIMING A FIREARM WITHOUT**
24 **MALICE.**

25 (ix) ~~-(vi)-~~ A violation of section 234 of the Michigan penal
26 code, 1931 PA 328, MCL 750.234, discharge of a firearm
27 intentionally aimed at a person.

1 (x) ~~(vii)~~ A violation of section 235 of the Michigan penal
2 code, 1931 PA 328, MCL 750.235, discharge of an intentionally aimed
3 firearm resulting in injury.

4 (xi) ~~(viii)~~ A violation of section 335a of the Michigan penal
5 code, 1931 PA 328, MCL 750.335a, indecent exposure.

6 (xii) **A VIOLATION OF SECTION 411H OF THE MICHIGAN PENAL CODE,**
7 **1931 PA 328, MCL 750.411H, STALKING.**

8 (xiii) **A VIOLATION OF SECTION 601B(2) OF THE MICHIGAN VEHICLE**
9 **CODE, 1949 PA 300, MCL 257.601B, INJURING A WORKER IN A WORK ZONE.**

10 (xiv) ~~(ix)~~ A violation of section 617a of the Michigan vehicle
11 code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal
12 injury accident.

13 (xv) ~~(x)~~ A violation of section 625 of the Michigan vehicle
14 code, 1949 PA 300, MCL 257.625, operating a vehicle while under the
15 influence of or impaired by intoxicating liquor or a controlled
16 substance, or with an unlawful blood alcohol content, if the
17 violation involves an accident resulting in damage to another
18 individual's property or physical injury or death to another
19 individual.

20 (xvi) ~~(xi)~~ Selling or furnishing alcoholic liquor to an
21 individual less than 21 years of age in violation of section 701 of
22 the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701,
23 if the violation results in physical injury or death to any
24 individual.

25 ~~(xii) A violation of section 411h of the Michigan penal code,~~
26 ~~1931 PA 328, MCL 750.411h, stalking.~~

27 (xvii) ~~(xiii)~~ A violation of section 80176(1) or (3) of the

1 natural resources and environmental protection act, 1994 PA 451,
2 MCL 324.80176, operating a vessel while under the influence of or
3 impaired by intoxicating liquor or a controlled substance, or with
4 an unlawful blood alcohol content, if the violation involves an
5 accident resulting in damage to another individual's property or
6 physical injury or death to any individual.

7 **(xviii)** ~~(xiv)~~ A violation of a local ordinance substantially
8 corresponding to a violation enumerated in subparagraphs (i) to
9 ~~(xiii)~~ **(xvii)**.

10 **(xix)** ~~(xv)~~ A violation charged as a crime or serious
11 misdemeanor enumerated in subparagraphs (i) to ~~(xiv)~~ **(xviii)** but
12 subsequently reduced to or pleaded to as a misdemeanor. As used in
13 this subparagraph, "crime" means that term as defined in section 2.

14 (b) "Defendant" means a person charged with or convicted of
15 having committed a serious misdemeanor against a victim.

16 (c) "Final disposition" means the ultimate termination of the
17 criminal prosecution of a defendant including, but not limited to,
18 dismissal, acquittal, or imposition of a sentence by the court.

19 (d) "Person" means an individual, organization, partnership,
20 corporation, or governmental entity.

21 (e) "Prisoner" means a person who has been convicted and
22 sentenced to imprisonment for having committed a serious
23 misdemeanor against a victim.

24 (f) "Prosecuting attorney" means the prosecuting attorney for
25 a county, an assistant prosecuting attorney for a county, the
26 attorney general, the deputy attorney general, an assistant
27 attorney general, a special prosecuting attorney, or, in connection

1 with the prosecution of an ordinance violation, an attorney for the
2 political subdivision that enacted the ordinance upon which the
3 violation is based.

4 (g) "Victim" means any of the following:

5 (i) An individual who suffers direct or threatened physical,
6 financial, or emotional harm as a result of the commission of a
7 serious misdemeanor, except as provided in subparagraph (ii), (iii),
8 or (iv).

9 (ii) The following individuals other than the defendant if the
10 victim is deceased:

11 (A) The spouse of the deceased victim.

12 (B) A child of the deceased victim if the child is 18 years of
13 age or older and sub-subparagraph (A) does not apply.

14 (C) A parent of a deceased victim if sub-subparagraphs (A) and
15 (B) do not apply.

16 (D) The guardian or custodian of a child of a deceased victim
17 if the child is less than 18 years of age and sub-subparagraphs (A)
18 to (C) do not apply.

19 (E) A sibling of the deceased victim if sub-subparagraphs (A)
20 to (D) do not apply.

21 (F) A grandparent of the deceased victim if sub-subparagraphs
22 (A) to (E) do not apply.

23 (iii) A parent, guardian, or custodian of a victim who is less
24 than 18 years of age and who is neither the defendant nor
25 incarcerated, if the parent, guardian, or custodian so chooses.

26 (iv) A parent, guardian, or custodian of a victim who is so
27 mentally incapacitated that he or she cannot meaningfully

1 understand or participate in the legal process if he or she is not
2 the defendant and is not incarcerated.

3 (2) If a victim as defined in subsection (1)(g)(i) is
4 physically or emotionally unable to exercise the privileges and
5 rights under this article, the victim may designate his or her
6 spouse, child 18 years of age or older, parent, sibling, or
7 grandparent or any other person 18 years of age or older who is
8 neither the defendant nor incarcerated to act in his or her place
9 while the physical or emotional disability continues. The victim
10 shall provide the prosecuting attorney with the name of the person
11 who is to act in place of the victim. During the physical or
12 emotional disability, notices to be provided under this article to
13 the victim shall continue to be sent only to the victim.

14 (3) An individual who is charged with a serious misdemeanor, a
15 crime as defined in section 2, or an offense as defined in section
16 31 arising out of the same transaction from which the charge
17 against the defendant arose is not eligible to exercise the
18 privileges and rights established for victims under this article.

19 (4) An individual who is incarcerated is not eligible to
20 exercise the privileges and rights established for victims under
21 this article except that he or she may submit a written statement
22 to the court for consideration at sentencing.

23 Sec. 61a. A law enforcement officer or prosecuting attorney
24 who files with the court a complaint, appearance ticket, traffic
25 citation, or other charging instrument regarding a serious
26 misdemeanor described in section ~~61(1)(a)(x), (xi), or (xiii)~~
27 **61(1)(A)(xv), (xvi), OR (xvii)**, or a local ordinance substantially

1 corresponding to a serious misdemeanor described in section
2 ~~61(1)(a)(x), (xi), or (xiii)~~ **61(1)(A)(xv), (xvi), OR (xvii)**, shall place
3 a statement on the complaint, appearance ticket, traffic citation,
4 or other charging instrument that the offense resulted in damage to
5 another individual's property or physical injury or death to
6 another individual.

7 Sec. 65. ~~(1)~~ Not later than 72 hours after the arrest of the
8 defendant for a serious misdemeanor, the law enforcement agency
9 having responsibility for investigating the serious misdemeanor
10 shall give to the victim notice of the availability of pretrial
11 release for the defendant, the phone number of the sheriff, and
12 notice that the victim may contact the sheriff to determine whether
13 the defendant has been released from custody. The law enforcement
14 agency having responsibility for investigating the crime shall
15 promptly notify the victim of the arrest or pretrial release of the
16 defendant, or both, if the victim requests or has requested that
17 information. If the defendant is released from custody by the
18 sheriff, the sheriff shall notify the law enforcement agency having
19 responsibility for investigating the crime.

20 ~~—— (2) If the victim submits an affidavit asserting acts or~~
21 ~~threats of physical violence or intimidation by the defendant or at~~
22 ~~the defendant's direction against the victim or the victim's~~
23 ~~immediate family, the prosecuting attorney, based on the victim's~~
24 ~~affidavit, may move that the bond or personal recognizance of a~~
25 ~~defendant be revoked.~~

26 Sec. 76. (1) ~~For purposes of~~ **AS USED IN** this section only:

27 (a) "Misdemeanor" means a violation of a law of this state or

1 a local ordinance that is punishable by imprisonment for not more
2 than 1 year or a fine that is not a civil fine, but that is not a
3 felony.

4 (b) "Victim" means an individual who suffers direct or
5 threatened physical, financial, or emotional harm as a result of
6 the commission of a misdemeanor. ~~For purposes of~~ **AS USED IN**
7 subsections (2), (3), (6), (8), (9), and (13) **ONLY**, victim includes
8 a sole proprietorship, partnership, corporation, association,
9 governmental entity, or any other legal entity that suffers direct
10 physical or financial harm as a result of a misdemeanor.

11 (2) Except as provided in subsection (8), when sentencing a
12 defendant convicted of a misdemeanor, the court shall order, in
13 addition to or in lieu of any other penalty authorized by law or in
14 addition to any other penalty required by law, that the defendant
15 make full restitution to any victim of the defendant's course of
16 conduct that gives rise to the conviction or to the victim's
17 estate. **FOR AN OFFENSE THAT IS RESOLVED BY ASSIGNMENT OF THE**
18 **DEFENDANT TO YOUTHFUL TRAINEE STATUS, BY A DELAYED SENTENCE OR**
19 **DEFERRED JUDGMENT OF GUILT, OR IN ANOTHER WAY THAT IS NOT AN**
20 **ACQUITTAL OR UNCONDITIONAL DISMISSAL, THE COURT SHALL ORDER THE**
21 **RESTITUTION REQUIRED UNDER THIS SECTION.**

22 (3) If a misdemeanor results in damage to or loss or
23 destruction of property of a victim of the misdemeanor or results
24 in the seizure or impoundment of property of a victim of the
25 misdemeanor, the order of restitution ~~may~~ **SHALL** require that the
26 defendant do 1 or more of the following, as applicable:

27 (a) Return the property to the owner of the property or to a

1 person designated by the owner.

2 (b) If return of the property under subdivision (a) is
3 impossible, impractical, or inadequate, pay an amount equal to the
4 greater of subparagraph (i) or (ii), less the value, determined as of
5 the date the property is returned, of that property or any part of
6 the property that is returned:

7 (i) The value of the property on the date of the damage, loss,
8 or destruction.

9 (ii) The value of the property on the date of sentencing.

10 (c) Pay the costs of the seizure or impoundment, or both.

11 (4) If a misdemeanor results in physical or psychological
12 injury to a victim, the order of restitution ~~may~~ **SHALL** require
13 that the defendant do 1 or more of the following, as applicable:

14 (a) Pay an amount equal to the reasonably determined cost of
15 medical and related professional services and devices actually
16 incurred and reasonably expected to be incurred relating to
17 physical and psychological care.

18 (b) Pay an amount equal to the reasonably determined cost of
19 physical and occupational therapy and rehabilitation actually
20 incurred and reasonably expected to be incurred.

21 (c) Reimburse the victim or the victim's estate for after-tax
22 income loss suffered by the victim as a result of the misdemeanor.

23 (d) Pay an amount equal to the reasonably determined cost of
24 psychological and medical treatment for members of the victim's
25 family actually incurred and reasonably expected to be incurred as
26 a result of the misdemeanor.

27 (e) Pay an amount equal to the reasonably determined costs of

1 homemaking and child care expenses actually incurred and reasonably
2 expected to be incurred as a result of the misdemeanor or, if
3 homemaking or child care is provided without compensation by a
4 relative, friend, or any other person, an amount equal to the costs
5 that would reasonably be incurred as a result of the misdemeanor
6 for that homemaking and child care, based on the rates in the area
7 for comparable services.

8 (f) Pay an amount equal to the cost of actual funeral and
9 related services.

10 (g) If the deceased victim could be claimed as a dependent by
11 his or her parent or guardian on the parent's or guardian's
12 federal, state, or local income tax returns, pay an amount equal to
13 the loss of the tax deduction or tax credit. The amount of
14 reimbursement shall be estimated for each year the victim could
15 reasonably be claimed as a dependent.

16 **(H) PAY AN AMOUNT EQUAL TO INCOME ACTUALLY LOST BY THE SPOUSE,**
17 **PARENT, SIBLING, CHILD, OR GRANDPARENT OF THE VICTIM BECAUSE THE**
18 **FAMILY MEMBER LEFT HIS OR HER EMPLOYMENT, TEMPORARILY OR**
19 **PERMANENTLY, TO CARE FOR THE VICTIM BECAUSE OF THE INJURY.**

20 (5) If a crime resulting in bodily injury also results in the
21 death of a victim or serious impairment of a body function of a
22 victim, the court may order up to 3 times the amount of restitution
23 otherwise allowed under this section. As used in this subsection,
24 "serious impairment of a body function of a victim" includes, but
25 is not limited to, 1 or more of the following:

26 (a) Loss of a limb or use of a limb.

27 (b) Loss of a hand or foot or use of a hand or foot.

- 1 (c) Loss of an eye or use of an eye or ear.
2 (d) Loss or substantial impairment of a bodily function.
3 (e) Serious visible disfigurement.
4 (f) A comatose state that lasts for more than 3 days.
5 (g) Measurable brain damage or mental impairment.
6 (h) A skull fracture or other serious bone fracture.
7 (i) Subdural hemorrhage or subdural hematoma.
8 (j) Loss of a body organ.

9 (6) If the victim or victim's estate consents, the order of
10 restitution may require that the defendant make restitution in
11 services in lieu of money.

12 (7) If the victim is deceased, the court shall order that the
13 restitution be made to the victim's estate.

14 (8) The court shall order restitution to the crime victim
15 services commission or to any individuals, partnerships,
16 corporations, associations, governmental entities, or other legal
17 entities that have compensated the victim or the victim's estate
18 for a loss incurred by the victim to the extent of the compensation
19 paid for that loss. The court shall also order restitution for the
20 costs of services provided to persons or entities that have
21 provided services to the victim as a result of the misdemeanor.
22 Services that are subject to restitution under this subsection
23 include, but are not limited to, shelter, food, clothing, and
24 transportation. However, an order of restitution shall require that
25 all restitution to a victim or victim's estate under the order be
26 made before any restitution to any other person or entity under
27 that order is made. The court shall not order restitution to be

1 paid to a victim or victim's estate if the victim or victim's
2 estate has received or is to receive compensation for that loss,
3 and the court shall state on the record with specificity the
4 reasons for its action.

5 (9) Any amount paid to a victim or victim's estate under an
6 order of restitution shall be set off against any amount later
7 recovered as compensatory damages by the victim or the victim's
8 estate in any federal or state civil proceeding and shall reduce
9 the amount payable to a victim or a victim's estate by an award
10 from the crime victim services commission made after an order of
11 restitution under this section.

12 (10) If not otherwise provided by the court under this
13 subsection, restitution shall be made immediately. However, the
14 court may require that the defendant make restitution under this
15 section within a specified period or in specified installments.

16 (11) If the defendant is placed on probation or the court
17 imposes a conditional sentence as provided in section 3 of chapter
18 IX of the code of criminal procedure, 1927 PA 175, MCL 769.3, any
19 restitution ordered under this section shall be a condition of that
20 probation or sentence. The court may revoke probation or impose
21 imprisonment under the conditional sentence if the defendant fails
22 to comply with the order and if the defendant has not made a good
23 faith effort to comply with the order. In determining whether to
24 revoke probation or impose imprisonment, the court shall consider
25 the defendant's employment status, earning ability, and financial
26 resources, the willfulness of the defendant's failure to pay, and
27 any other special circumstances that may have a bearing on the

1 defendant's ability to pay.

2 (12) ~~A~~ **SUBJECT TO SUBSECTION (15), A** defendant who is
3 required to pay restitution and who is not in willful default of
4 the payment of the restitution may at any time petition the
5 sentencing judge or his or her successor to modify the method of
6 payment. If the court determines that payment under the order will
7 impose a manifest hardship on the defendant or his or her immediate
8 family, and if the court also determines that modifying the method
9 of payment will not impose a manifest hardship on the victim, the
10 court may modify the method of payment.

11 (13) An order of restitution entered under this section
12 remains effective until it is satisfied in full. An order of
13 restitution is a judgment and lien against all property of the
14 defendant for the amount specified in the order of restitution. The
15 lien may be recorded as provided by law. An order of restitution
16 may be enforced by the prosecuting attorney, a victim, a victim's
17 estate, or any other person or entity named in the order to receive
18 restitution in the same manner as a judgment in a civil action or a
19 lien.

20 (14) Notwithstanding any other provision of this section, a
21 defendant shall not be imprisoned, jailed, or incarcerated for a
22 violation of probation or otherwise for failure to pay restitution
23 as ordered under this section unless the court determines that the
24 defendant has the resources to pay the ordered restitution and has
25 not made a good faith effort to do so.

26 (15) In each case in which payment of restitution is ordered
27 as a condition of probation, the court ~~may~~ **SHALL** order any

1 employed defendant to **MAKE REGULARLY SCHEDULED RESTITUTION**
2 **PAYMENTS. IF THE DEFENDANT MISSES 2 OR MORE REGULARLY SCHEDULED**
3 **PAYMENTS, THE COURT SHALL ORDER THE DEFENDANT TO** execute a wage
4 assignment to pay the restitution. The probation officer assigned
5 to the case shall review the case not less than twice yearly to
6 ensure that restitution is being paid as ordered. If the
7 restitution was ordered to be made within a specific period of
8 time, the probation officer assigned to the case shall review the
9 case at the end of the specific period of time to determine if the
10 restitution has been paid in full. The final review shall be
11 conducted not less than 60 days before the probationary period
12 expires. If the probation officer determines at any review that
13 restitution is not being paid as ordered, the probation officer
14 shall file a written report of the violation with the court on a
15 form prescribed by the state court administrative office or shall
16 petition the court for a probation violation. The report or
17 petition shall include a statement of the amount of the arrearage
18 and any reasons for the arrearage known by the probation officer.
19 The probation officer shall immediately provide a copy of the
20 report or petition to the prosecuting attorney. If a petition or
21 motion is filed or other proceedings are initiated to enforce
22 payment of restitution and the court determines that restitution is
23 not being paid or has not been paid as ordered by the court, the
24 court shall promptly take action necessary to compel compliance.

25 (16) If the court determines that a defendant who is ordered
26 to pay restitution under this section is remanded to the
27 jurisdiction of the department of corrections, the court shall

1 provide a copy of the order of restitution to the department of
2 corrections when the court determines that the defendant is
3 remanded to the department's jurisdiction.

4 (17) The court shall not impose a fee on a victim, victim's
5 estate, or prosecuting attorney for enforcing an order of
6 restitution.

7 (18) If a person or entity entitled to restitution **UNDER THIS**
8 **SECTION** cannot be located, ~~or~~ refuses to claim ~~that~~ **THE**
9 restitution within 2 years after the date on which he or she could
10 have claimed the restitution, **OR REFUSES TO ACCEPT THE RESTITUTION,**
11 the restitution ~~paid~~ to **WHICH** that person or entity **IS ENTITLED**
12 shall be deposited in the crime victim's rights fund created under
13 section 4 of 1989 PA 196, MCL 780.904, or its successor fund.
14 However, a person or entity entitled to that restitution may claim
15 that restitution any time by applying to the court that originally
16 ordered and collected it. The court shall notify the crime victim
17 services commission of the application and the commission shall
18 approve a reduction in the court's revenue transmittal to the crime
19 victim rights fund equal to the restitution owed to the person or
20 entity. The court shall use the reduction to reimburse that
21 restitution to the person or entity.

22 (19) **THE COURT MAY AMEND AN ORDER OF RESTITUTION ENTERED UNDER**
23 **THIS SECTION ON A MOTION BY THE PROSECUTING ATTORNEY, THE VICTIM,**
24 **OR THE DEFENDANT BASED UPON NEW INFORMATION RELATED TO THE INJURY,**
25 **DAMAGES, OR LOSS FOR WHICH THE RESTITUTION WAS ORDERED.**

26 (20) **A COURT THAT RECEIVES NOTICE THAT A DEFENDANT WHO HAS AN**
27 **OBLIGATION TO PAY RESTITUTION UNDER THIS SECTION HAS DECLARED**

1 **BANKRUPTCY SHALL FORWARD A COPY OF THAT NOTICE TO THE PROSECUTING**
2 **ATTORNEY. THE PROSECUTING ATTORNEY SHALL FORWARD THE NOTICE TO THE**
3 **VICTIM AT THE VICTIM'S LAST KNOWN ADDRESS.**

4 Sec. 76a. (1) If a person is subject to any combination of
5 fines, costs, restitution, assessments, probation or parole
6 supervision fees, or other payments arising out of the same
7 criminal proceeding, money collected from that person for the
8 payment of fines, costs, restitution, assessments, probation or
9 parole supervision fees, or other payments **ORDERED TO BE PAID IN**
10 **THAT PROCEEDING** shall be allocated as provided in this section. **IF**
11 **A PERSON IS SUBJECT TO FINES, COSTS, RESTITUTION, ASSESSMENTS,**
12 **PROBATION OR PAROLE SUPERVISION FEES, OR OTHER PAYMENTS IN MORE**
13 **THAN 1 PROCEEDING IN A COURT AND IF A PERSON MAKING A PAYMENT ON**
14 **THE FINES, COSTS, RESTITUTION, ASSESSMENTS, PROBATION OR PAROLE**
15 **SUPERVISION FEES, OR OTHER PAYMENTS DOES NOT INDICATE THE**
16 **PROCEEDING FOR WHICH THE PAYMENT IS MADE, THE COURT SHALL FIRST**
17 **APPLY THE MONEY PAID TO A PROCEEDING IN WHICH THERE IS UNPAID**
18 **RESTITUTION TO BE ALLOCATED AS PROVIDED IN THIS SECTION.**

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

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

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

12 (a) Payment of the minimum state cost prescribed by section 1j
13 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
14 769.1j.

15 (b) Payment of other costs.

16 (c) Payment of fines.

17 (d) Payment of probation or parole supervision fees.

18 (e) Payment of assessments and other payments, including
19 reimbursement to third parties who reimbursed a victim for his or
20 her loss.

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

25 (a) Payment of the minimum state cost prescribed by section 1j
26 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
27 769.1j.

1 (b) Payment of fines and other costs.

2 (c) Payment of assessments and other payments.

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

8 Sec. 78. (1) Upon the request of the victim, the prosecuting
9 attorney shall notify the victim of the following:

10 (a) That the defendant filed an appeal of his or her
11 conviction or sentence or ~~—that~~ the prosecuting attorney filed an
12 appeal.

13 (b) Whether the defendant has been ordered released on bail or
14 other recognizance pending the disposition of the appeal. If the
15 prosecuting attorney is notified that the defendant has been
16 ordered released on bail or other recognizance pending disposition
17 of the appeal, the prosecuting attorney shall use any means
18 reasonably calculated to give the victim notice of that order
19 within 24 hours after the prosecuting attorney is notified of the
20 order.

21 (c) The time and place of any appellate court ~~—proceedings~~
22 **ORAL ARGUMENTS** and any changes in the time or place of those
23 ~~proceedings— ARGUMENTS~~.

24 (d) The result of the appeal. If the conviction is ordered
25 reversed, the sentence is vacated, the case is remanded for a new
26 trial, or the prosecuting attorney's appeal is denied, and if the
27 prosecuting attorney has filed the appropriate notice with the

1 appellate court, the appellate court shall expedite delivery of the
 2 relevant document to the prosecuting attorney's office by any means
 3 reasonably calculated to give the prosecuting attorney prompt
 4 notice. The prosecuting attorney shall use any means reasonably
 5 calculated to give the victim notice of that order within 24 hours
 6 after the prosecuting attorney is notified of the order.

7 (2) If the prosecuting attorney is not successful in notifying
 8 the victim of an event described in subsection (1) within the
 9 period set forth in that subsection, the prosecuting attorney shall
 10 notify the victim of that event as soon as possible by any means
 11 reasonably calculated to give the victim prompt actual notice.

12 (3) ~~Upon the request of the victim, the~~ **THE** prosecuting
 13 attorney shall provide the victim with a brief explanation in plain
 14 English of the appeal process, including the possible dispositions.

15 (4) If the case is returned to the trial court for further
 16 proceedings or a new trial, the victim has the same rights as
 17 previously requested during the proceedings that led to the appeal.

18 Sec. 81. (1) A person convicted of a serious misdemeanor shall
 19 not derive any profit from the sale of ~~his or her recollections,~~
 20 ~~thoughts, and feelings with regard to the offense committed by that~~
 21 ~~person~~ **ANY OF THE FOLLOWING** until the victim receives any
 22 restitution or compensation ordered for him or her against the
 23 defendant, ~~and~~ expenses of incarceration are ~~recovered as~~
 24 ~~provided in~~ **PAID UNDER** subsection (3), and ~~until~~ **ANY BALANCE IN**
 25 the escrow account created under subsection (2) is ~~terminated~~
 26 **PAID** under subsection (4): ~~—~~

27 **(A) THE PERSON'S RECOLLECTIONS OF OR THOUGHTS OR FEELINGS**

1 ABOUT THE OFFENSE COMMITTED BY THE PERSON.

2 (B) MEMORABILIA RELATED TO THE OFFENSE COMMITTED BY THE
3 PERSON.

4 (C) THE PERSON'S PROPERTY IF ITS VALUE HAS BEEN ENHANCED OR
5 INCREASED BY THE PERSON'S NOTORIETY.

6 (2) Upon the conviction of a defendant for a serious
7 misdemeanor involving a victim, and after notice to ~~any interested~~
8 ~~party~~ **ALL INTERESTED PARTIES**, an attorney for the county in which
9 the conviction occurred or the attorney general may petition the
10 court in which the conviction occurred to order that **THE** defendant
11 forfeit all or any part of proceeds received or to be received by
12 the defendant ~~—~~ or the defendant's representatives or assignees
13 ~~—~~ from ~~contracts~~ **ANY OF THE FOLLOWING:**

14 (A) **CONTRACTS** relating to the depiction of the crime or the
15 defendant's recollections, thoughts, or feelings about the crime,
16 in books, magazines, media entertainment, or live entertainment. ~~—~~
17 ~~as provided in this section. The proceeds~~

18 (B) **THE SALE OF MEMORABILIA RELATING TO THE CRIME.**

19 (C) **THE SALE OF PROPERTY OF THE DEFENDANT, THE VALUE OF WHICH**
20 **HAS BEEN ENHANCED OR INCREASED BY THE DEFENDANT'S NOTORIETY ARISING**
21 **FROM THE CRIME.**

22 (3) **PROCEEDS ORDERED FORFEITED UNDER SUBSECTION (2)** shall be
23 held in **AN** escrow **ACCOUNT** for a period of not more than 5 years.

24 (4) ~~(3)~~ During the existence of ~~the~~ **AN** escrow account
25 **CREATED UNDER SUBSECTION (3)**, proceeds in the account shall be
26 distributed in the following priority to satisfy the following:

27 (a) An order of restitution entered under section 76.

1 (b) Any civil judgment in favor of the victim against ~~that~~
2 **THE** defendant.

3 (c) Any reimbursement ordered under the prisoner reimbursement
4 to the county act, ~~Act No. 118 of the Public Acts of 1984, being~~
5 ~~sections 801.81 to 801.93 of the Michigan Compiled Laws~~ **1984 PA**
6 **118, MCL 801.81 TO 801.93**, or ordered under the state correctional
7 facility reimbursement act, ~~Act No. 253 of the Public Acts of~~
8 ~~1935, being sections 800.401 to 800.406 of the Michigan Compiled~~
9 ~~Laws~~ **1935 PA 253, MCL 800.401 TO 800.406.**

10 (D) **FINES, COSTS, AND OTHER ASSESSMENTS ORDERED AGAINST THE**
11 **DEFENDANT.**

12 (5) ~~(4) The~~ **A** balance remaining in ~~the~~ **AN** escrow account
13 **CREATED UNDER SUBSECTION (3)** at the end of the escrow period shall
14 be paid to the crime victim's rights ~~assessment~~ fund **CREATED IN**
15 **SECTION 4 OF 1989 PA 196, MCL 780.904.**

16 Enacting section 1. This amendatory act takes effect January
17 1, 2006.