

HOUSE BILL No. 4222

February 8, 2005, Introduced by Reps. Donigan, Accavitti, Gleason, Anderson, Vagnozzi, Kathleen Law, Condino, Bieda, Tobocman, Kolb, Miller and DeRoche and referred to the Committee on Judiciary.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 Sec. 2. As used in this act:

5 (a) "Counselor" means an employee of a sexual assault crisis

1 center whose primary purpose is the rendering of advice,
2 counseling, or assistance to victims.

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

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

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

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

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

15 (ii) Information and referral services.

16 (iii) Crisis intervention services.

17 (iv) Advocacy services.

18 (v) Service coordination.

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

21 (f) "Sexual assault evidence kit" means that term as defined
22 in section 21527 of the public health code, 1978 PA 368, MCL
23 333.21527.

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

1 Sec. 3. (1) The sexual assault victims' forensic medical
2 intervention and treatment fund is created within the state
3 treasury.

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

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

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

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

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

18 (ii) Provide specialized assistance to victims.

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

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

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

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

1 assistance for staff members.

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

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

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

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

24 (2) The assessment under this section may be in addition to
25 any other fine or assessment, including, but not limited to, any
26 restitution to the fund ordered by the court under section 16, 44,
27 or 76 of the crime victim's rights act, 1985 PA 87, MCL 780.766,

1 780.794, and 780.826.

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

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

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

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