



Senate Fiscal Agency  
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## BILL ANALYSIS

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Senate Bill 1616 (Substitute S-1 as reported)  
Senate Bill 1617 (Substitute S-1 as reported)  
Senate Bill 1618 (Substitute S-1 as reported)  
House Bill 5054 (Substitute S-1 as reported)  
House Bill 5055 (Substitute S-1 as reported)  
Sponsor: Senator Mark C. Jansen (S.B. 1616)  
Senator Wayne Kuipers (S.B. 1617)  
Senator Patricia L. Birkholz (S.B. 1618)  
Representative Marie Donigan (H.B. 5054 & 5055)  
Senate Committee: Judiciary  
House Committee: Judiciary (H.B. 5054 & 5055)

### **CONTENT**

Senate Bill 1616 (S-1) would amend the juvenile code to increase the minimum costs the family division of circuit court (family court) must order a juvenile under 17 years old to pay if he or she is within the court's jurisdiction for a violation that would be a crime if committed by an adult, as shown in Table 1.

House Bill 5055 (S-1) would amend the Code of Criminal Procedure to increase the minimum costs the court must order a person convicted of a crime to pay, as shown in Table 1.

Table 1

Violation Level	Current Minimum Cost	Proposed Minimum Cost
Felony	\$60	\$67.50
Serious misdemeanor or specified misdemeanor	\$45	\$52.50
Other misdemeanor	\$40	\$47.50

Of the costs the court orders paid under both the juvenile code and the Code of Criminal Procedure, the court clerk must pay to the Justice System Fund the applicable amount specified as a minimum cost. On the last day of each month, the court clerk must transmit the minimum State cost or portions of the minimum State cost collected to the Department of Treasury for deposit in the Justice System Fund.

Senate Bill 1617 (S-1) would create the "Children's Advocacy Center Act" to establish the "Children's Advocacy Center Fund" and provide for the Fund's use. The board of directors of the Michigan Chapter of the National Children's Alliance would be the administrator of the Fund for auditing purposes.

Money could not be spent from the Fund for the first year after the Act's effective date. Beginning two years after the effective date, the board could spend money from the Fund, as appropriated. Money in the Fund could be spent only as follows:

- To provide investigative, assessment, counseling, support, and educational services to victims of child sexual abuse and their families through children's advocacy centers.
- To pay the actual and reasonable operating costs of children's advocacy centers.
- To provide training related to child sexual abuse for personnel employed or otherwise retained by children's advocacy centers.
- To improve the detection, investigation, treatment, and prevention of child sexual abuse through the coordinated activities of children's advocacy centers, medical care providers, crime victim organizations, and local, State, and Federal law enforcement officials.
- To improve public awareness of child sexual abuse through the use of children's advocacy centers.
- To pay the actual and reasonable costs of administering the Fund.

Not more than 10% of distributions made in any fiscal year could be used to pay administrative costs.

House Bill 5054 (S-1) would create the "Sexual Assault Victims' Medical Forensic Intervention and Treatment Act" to establish the "Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund" and provide for the Fund's use and management.

The Department of Human Services (DHS) would be the administrator of the Fund for auditing purposes.

Money could not be spent from the Fund for the first year after the Act's effective date. Beginning two years after that date, the Domestic Violence Prevention and Treatment Board could spend money from the Fund, as appropriated.

At least 80% of the money would have to be distributed to entities that do all of the following:

- Perform the procedures required by sexual assault evidence kits.
- Provide specialized assistance to victims.
- Operate under the auspices of or in partnership with a local sexual assault crisis center.
- Comply with the standards of training and practice of the International Association of Forensic Nurse Examiners or a similar organization designated by the Board in consultation with the DHS.
- Provide access to medical forensic intervention and treatment services 24 hours a day.

Not more than 15% of the money could be spent for medical forensic intervention-related training and technical assistance for staff members and for needs assessment. Not more than 10% could be spent for administrative costs incurred by the Board in implementing and administering the proposed Act.

The Board would have to distribute money by awarding grants and contracts in a manner that reflected Michigan's population, geographic area, and rural and urban diversity using criteria the Board developed in consultation with the DHS.

Senate Bill 1618 (S-1) would amend the Revised Judicature Act to provide for the allocation of money from the Justice System Fund to the proposed Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund and the proposed Children's Advocacy Center Fund, and to revise other allocations from the Justice System Fund.

The Act requires the State Treasurer to allocate from the proceeds of the Justice System Fund an amount equal to \$10 multiplied by the number of civil infraction actions on which certain assessments are collected each month, to the Secondary Road Patrol and Training Fund. The bill would revise the distribution of the balance of the Justice System Fund remaining after that allocation, as shown in Table 2.

Table 2

Allocation from the Justice System Fund to:	Current Allocation	Proposed Allocation
Highway Safety Fund	24.8%	23.73%
Jail Reimbursement Program Fund	12.4%	11.87%
Michigan Justice Training Fund	12.4%	11.87%
Legislative Retirement System members' retirement fund	1.15%	1.10%
Drug Treatment Courts Fund	2.85%	2.74%
State Forensic Lab Fund	5.6%	5.37%
State Court Fund	13.3%	12.73%
Court Equity Fund	25.5%	24.40%
State Treasurer for monitoring of collection and distribution of Justice System Fund receipts	1%	0.98%
State Court Administrative Office for management assistance and audit of trial court collections	1%	0.98%
Proposed Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund	N/A	2.66%
Proposed Children's Advocacy Center Fund	N/A	1.56%

All of the bills are tie-barred to each other and would take effect on January 1, 2009.

MCL 712A.18m (S.B. 1616)  
600.181 (S.B. 1618)  
769.1j (H.B. 5055)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

Based on FY 2008-09 conviction projections from the State Court Administrative Office, the fee increases contained in Senate Bill 1616 (S-1) and House Bill 5055 (S-1) would annually generate \$2.7 million to the Justice System Fund.

Although Senate Bill 1618 (S-1) would reduce the percentages of the amount of Justice System Fund revenue allocated to the funds listed in Table 2 above, the recommended fee increases in Senate Bill 1616 (S-1) and House Bill 5055 (S-1) would essentially hold the funds listed in Table 2 harmless. Senate Bill 1618 (S-1) also would provide a portion of funding from the Justice System Fund to two new funds: the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund and the Children's Advocacy Center Fund proposed by House Bill 5054 (S-1) Senate Bill 1617 (S-1), respectively.

Table 3 below illustrates the amount of revenue each fund listed in Table 2 would receive under current law compared with the estimated funding it would receive under the proposed changes contained in Senate Bill 1618 (S-1). Table 3 also lists the estimated amount of funding that would be received by the proposed new funds discussed above.

Table 3

	FY 2008-09 Estimated Allocations Under Current Law	Estimated Allocations Based on Proposed Percentages and Fee Increases under SB 1616 (S-1) and 1618 (S-1) and HB 5055 (S-1)
MSP - Highway Safety Fund	\$13,863,200	\$13,917,498
Jail Reimbursement Program Fund	\$6,931,600	\$6,961,635
Michigan Justice Training Fund	\$6,931,600	\$6,961,635
Legislative Retirement System	\$642,850	\$646,520
Drug Treatment Courts Fund	\$1,593,150	\$1,604,755
State Forensic Laboratory Fund	\$3,130,400	\$3,146,013
Judiciary - State Court Fund	\$7,434,700	\$7,463,843
Judiciary - Court Equity Fund	\$14,254,500	\$14,310,028
Treasury	\$559,000	\$577,250
Judiciary - State Court Administrative Office	\$559,000	\$577,250
Proposed Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund		\$1,558,575
Proposed Children's Advocacy Center Fund		\$912,500
<b>Total Estimated Allocations</b>	<b>\$55,900,000</b>	<b>\$58,637,500</b>

It should be noted that through the fee increases proposed in Senate Bill 1616 (S-1) and House Bill 5055 (S-1), the package is designed to ensure that current recipients of resources allocated through the Justice System Fund will not be negatively affected by the addition of the two new funds proposed in House Bill 5054 (S-1) and Senate Bill 1617 (S-1). If, for some reason, fee revenue collected from defendants convicted of a felony, serious or specified misdemeanor, or a misdemeanor were reduced disproportionately in relation to fee revenue collected from defendants convicted of civil infractions, existing funds could see a negative fiscal impact associated with the addition of the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund and the Child Advocacy Center Funds as recipients of Justice System Fund dollars.

Date Completed: 11-13-08

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.