



Senate Fiscal Agency
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Senate Bills 1616, 1617, and 1618 (as enacted)
House Bills 5054 and 5055 (as enacted)

PUBLIC ACTS 543, 544, & 545 of 2008
PUBLIC ACTS 546 & 547 of 2008

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

Date Completed: 2-2-09

CONTENT

Senate Bill 1616 and House Bill 5055 amend the juvenile code and the Code of Criminal Procedure, respectively, to increase the minimum costs that must be charged to juvenile and criminal offenders for deposit in the Justice System Fund.

Senate Bill 1617 creates the "Children's Advocacy Center Act" to establish the "Children's Advocacy Center Fund" and provide for the Fund's use, including services to victims of child sexual abuse.

House Bill 5054 creates 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 its use and management.

Senate Bill 1618 amends the Revised Judicature Act (RJA) to provide for the

allocation of money from the Justice System Fund to the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund and the Children's Advocacy Center Fund, and to revise other allocations from the Justice System Fund.

All of the bills were tie-barred to each other and will take effect on April 1, 2009.

Senate Bill 1616 & House Bill 5055

The juvenile code requires the family division of circuit court (family court) to order a juvenile under 17 years old to pay certain minimum costs if he or she is within the court's jurisdiction for a violation that would be a crime if committed by an adult. The Code of Criminal Procedure requires the sentencing court to order a person convicted of a crime to pay certain minimum costs. The bills increase the minimum costs in both statutes as shown in Table 1.

Table 1

Violation Level	Minimum Cost Before 4-1-09	Minimum Cost Beginning 4-1-09
Felony	\$60	\$68
Serious misdemeanor or specified misdemeanor	\$45	\$53
Other misdemeanor	\$40	\$48

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.

Senate Bill 1617

The bill creates the Children's Advocacy Center Fund in the State Treasury, and defines "children's advocacy center" as an entity accredited as a child advocacy center by the National Children's Alliance or its successor agency. The Department of Human Services will be the administrator of the Fund for auditing purposes.

Money may not be spent from the Fund for the first year after the bill's effective date. Beginning two years after the effective date, the Domestic Violence Prevention and Treatment Board may spend money from the Fund as appropriated. Money in the Fund may be spent only to do the following:

- Provide investigative, assessment, counseling, support, and educational services to victims of child sexual abuse and their families through children's advocacy centers.
- Pay the actual and reasonable operating costs of children's advocacy centers.
- Provide training related to child sexual abuse for personnel employed or otherwise retained by children's advocacy centers.
- 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.
- Improve public awareness of child sexual abuse through the use of children's advocacy centers.
- Pay the actual and reasonable costs of administering the Fund.

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

The Board must require an annual audit of income and expenditures and, by February 1 of each year, give a report to the Secretary of the Senate and the Clerk of the House of Representatives.

The State Treasurer may receive money or other assets from any source for deposit into the Fund. The Treasurer must direct the investment of the Fund and credit to it interest and earnings from investments. Money in the Fund at the close of the fiscal year must remain in the Fund and not lapse to the General Fund.

House Bill 5054

The bill creates the Sexual Assault Victim's Medical Forensic Intervention and Treatment Fund in the State Treasury. The Department of Human Services (DHS) will be the administrator of the Fund for auditing purposes.

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

At least 80% of the money must 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 may be spent for medical forensic intervention-related training and technical assistance for staff members and for needs assessment. Not more than 10% may be spent for administrative costs incurred by the Board in implementing and administering the Sexual Assault Victims' Medical Forensic Intervention and Treatment Act.

The Board must distribute money by awarding grants and contracts in a manner that reflects Michigan's population, geographic area, and rural and urban diversity using criteria the Board develops in consultation with the DHS.

The Board may require an annual audit of Fund income and expenditures, and by February 1 of each year, must give an annual report of income and expenditures to the Secretary of the Senate and the Clerk of the House.

The Board may promulgate rules to implement these provisions.

The State Treasurer may receive money or assets from any source for deposit into the Fund. The Treasurer must direct the investment of the Fund and credit to it interest and earnings from investments. Money in the Fund at the close of the fiscal year must remain in the Fund and not lapse to the General Fund.

The bill defines "victim" as a person who consults a sexual assault counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by sexual abuse or sexual violence. "Sexual assault counselor" means an employee of a sexual assault crisis center whose primary purpose is the rendering of advice, counseling, or assistance to victims or advocacy for victims.

The bill defines "sexual assault crisis center" as a public or private agency that offers specialized direct assistance to victims, including the following:

- A telephone hotline that is operated 24 hours a day and answered by a sexual assault counselor or trained volunteer.
- Information and referral services.
- Crisis intervention services.
- Advocacy services.
- Services coordination.
- Community awareness or educational programs on sexual assault services.

Senate Bill 1618

The RJA 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 revises 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:	Allocation Before 4-1-09	Allocation Beginning 4-1-09
Highway Safety Fund	24.8%	23.66%
Jail Reimbursement Program Fund	12.4%	11.84%
Michigan Justice Training Fund	12.4%	11.84%
Legislative Retirement System members' retirement fund	1.15%	1.10%
Drug Treatment Courts Fund	2.85%	2.73%
State Forensic Lab Fund	5.6%	5.35%
State Court Fund	13.3%	12.69%
Court Equity Fund	25.5%	24.33%
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%
Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund	N/A	2.65%
Children's Advocacy Center Fund	N/A	1.85%

MCL 712A.18m (S.B. 1616)
 722.1041-722.1044 (S.B. 1617)
 600.181 (S.B. 1618)
 400.1531-400.1535 (H.B. 5054)
 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 and House Bill 5055 annually will generate \$2.9 million to the Justice System Fund.

Although Senate Bill 1618 reduces the percentages of the amount of Justice System Fund revenue allocated to the funds listed in Table 2 above, the fee increases in Senate Bill 1616 and House Bill 5055 essentially hold the funds listed in Table 2 harmless. Senate Bill 1618 also provides 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 created by House Bill 5054 and Senate Bill 1617, respectively.

Table 3 below illustrates the amount of revenue each fund listed in Table 2 will receive under current law compared with the estimated funding it will receive under the

changes contained in Senate Bill 1618. Table 3 also lists the estimated amount of funding that will be received by the new funds discussed above.

It should be noted that through the fee increases in Senate Bill 1616 and House Bill 5055, 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 established in House Bill 5054 and Senate Bill 1617. 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.

Table 3

	FY 2008-09 Estimated Allocations Under Current Law	Estimated Allocations Based on Percentages and Fee Increases under SB 1616 and 1618 and HB 5055
MSP - Highway Safety Fund	\$13,863,200	\$13,916,812
Jail Reimbursement Program Fund	\$6,931,600	\$6,964,288
Michigan Justice Training Fund	\$6,931,600	\$6,964,288
Legislative Retirement System	\$642,850	\$647,020
Drug Treatment Courts Fund	\$1,593,150	\$1,605,786
State Forensic Laboratory Fund	\$3,130,400	\$3,146,870
Judiciary - State Court Fund	\$7,434,700	\$7,464,258
Judiciary - Court Equity Fund	\$14,254,500	\$14,310,906
Treasury	\$559,000	\$576,430
Judiciary - State Court Administrative Office	\$559,000	\$576,430
Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund		\$1,558,730
Children's Advocacy Center Fund		\$1,088,170
Total Estimated Allocations	\$55,900,000	\$58,820,000

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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.