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BILL ANALYSIS

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House Bill 5054 (Substitute H-1 as passed by the House)
House Bill 5055 (Substitute H-1 as passed by the House)
Sponsor: Representative Marie Donigan
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 11-12-08

CONTENT

House Bill 5054 (H-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.

House Bill 5055 (H-1) would amend the Code of Criminal Procedure to increase the minimum costs that must be charged to a convicted person for deposit in the Justice System Fund.

The bills are tie-barred to each other and to House Bills 5056 and 5057. (House Bill 5056 (H-1) would amend the juvenile code to increase the minimum costs that must be charged to a juvenile offender for deposit into the Justice System Fund. House Bill 5057 (H-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 revise other allocations from the Justice System Fund.)

House Bill 5054 (H-1)

The proposed Act would establish the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund in the State Treasury. The State Treasurer could receive money or other assets from any source for deposit into the Fund and would have to credit to it interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would remain in the Fund and could not lapse to the General Fund.

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. Money in the Fund could be spent only as specified below.

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

- Performed the procedures required by sexual assault evidence kits.
- Provided specialized assistance to victims.
- Operated under the auspices of or in partnership with a local sexual assault crisis center.
- Complied 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.
- Provided 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. The Board could require an annual audit of income and expenditures of the Fund and would have to provide an annual report of income and expenditures to the Secretary of the Senate and the Clerk of the House of Representatives by February 1 of each year.

The Board could promulgate rules to implement the proposed Act.

House Bill 5055 (H-1)

The bill would increase the minimum costs the court must order a convicted person to pay, as shown in Table 1.

Table 1

| Conviction Level | Current Minimum Cost | Proposed Minimum Cost |
|--|----------------------|-----------------------|
| Felony | \$60 | \$65 |
| Serious misdemeanor or specified misdemeanor | \$45 | \$50 |
| Other misdemeanor | \$40 | \$45 |

("Felony" means a violation of a Michigan penal law for which the offender may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony. "Serious misdemeanor" means that term as defined in Section 61 of the Crime Victim's Rights Act (MCL 780.811). "Specified misdemeanor" means that term as defined in Section 1 of the crime victim's rights services Act (MCL 780.901).)

Of the costs the court orders paid under 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.

MCL 769.1j (H.B. 5055)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5054 (H-1)

Creation and administration of the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund through the Departments of Human Services and Treasury would lead to a

small, indeterminate, increase in administrative expenditure at both Departments. House Bill 5054 (H-1) would permit use of up to 10.0% of the Fund balance for the administrative expense associated with managing the Fund. This suggests that the bill would not lead to any significant fiscal impact on the State.

House Bill 5055 (H-1)

Based on FY 2008-09 projections from the State Court Administrative Office, the fee increases contained in this bill and Senate Bill 1616 would generate \$1.8 million annually. (Senate Bill 1616, which is tie-barred to House Bills 5054 and 5055, would amend the juvenile code to increase the costs that a juvenile offender must be ordered to pay for deposit in the Justice System Fund.)

Fiscal Analyst: Bill Bowerman
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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.