

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5054**

A bill to create the sexual assault victims' medical forensic 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 medical forensic intervention and treatment 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' medical forensic intervention and
3 treatment act".

4 Sec. 2. As used in this act:

1 (a) "Board" means the domestic violence prevention and
2 treatment board created in section 2 of 1978 PA 389, MCL 400.1502.

3 (b) "Criminal sexual conduct" means any of the following:

4 (i) A violation, attempted violation, or solicitation or
5 conspiracy to commit a violation of section 520b, 520c, 520d, 520e,
6 520f, or 520g of the Michigan penal code, 1931 PA 328, MCL
7 750.520b, 750.520c, 750.520d, 750.520e, 750.520f, and 750.520g.

8 (ii) An offense originally charged as an offense described in
9 subparagraph (i) that is subsequently reduced to an offense not
10 included in subparagraph (i).

11 (c) "Fund" means the sexual assault victims' medical forensic
12 intervention and treatment fund created in section 3.

13 (d) "Sexual assault counselor" means an employee of a sexual
14 assault crisis center whose primary purpose is the rendering of
15 advice, counseling, or assistance to victims or advocacy for
16 victims.

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

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

22 (ii) Information and referral services.

23 (iii) Crisis intervention services.

24 (iv) Advocacy services.

25 (v) Service coordination.

26 (vi) Community awareness or education programs on sexual
27 assault services.

1 (f) "Sexual assault evidence kit" means that term as defined
2 in section 21527 of the public health code, 1978 PA 368, MCL
3 333.21527.

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

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

11 (2) The state treasurer may receive money or other assets from
12 any source for deposit into the fund. The state treasurer shall
13 direct the investment of the fund. The state treasurer shall credit
14 to the fund interest and earnings from fund investments.

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

17 (4) The department of human services shall be the
18 administrator of the fund for auditing purposes.

19 Sec. 5. (1) Money shall not be expended from the sexual
20 assault victims' medical forensic intervention and treatment fund
21 created in section 3 for the first year after the effective date of
22 this act. Beginning 2 years after the effective date of this act,
23 the board may expend money from the fund, as appropriated. Money in
24 the fund shall be expended only as follows:

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

27 (i) Perform the procedures required by sexual assault evidence

1 kits.

2 (ii) Provide specialized assistance to victims.

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

5 (iv) Comply with the standards of training and practice of the
6 international association of forensic nurse examiners or a similar
7 organization designated by the board in consultation with the
8 department of human services.

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

11 (b) Not more than 15% of the money may be expended for medical
12 forensic intervention related training and technical assistance for
13 staff members and for needs assessment.

14 (c) Not more than 10% of the money may be expended for
15 administrative costs incurred by the board in implementing and
16 administering this act.

17 (2) The board shall distribute money under subsection (1) by
18 awarding grants and contracts in a manner that reflects the
19 population, geographic area, and rural and urban diversity of this
20 state using criteria developed by the board in consultation with
21 the department of human services.

22 (3) The board may require an annual audit of income and
23 expenditures under this section and shall provide an annual report
24 of incomes and expenditures to the secretary of the senate and the
25 clerk of the house of representatives by February 1 of each year.

26 (4) The board may promulgate rules under the administrative
27 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to

House Bill No. 5054 as amended December 19, 2008

1 implement this section.

2 Enacting section 1. This act takes effect <<April>> 1, 2009.

3 Enacting section 2. This act does not take effect unless all
4 of the following bills of the 94th Legislature are enacted into
5 law:

6 (a) Senate Bill No. 1616.

7 (b) Senate Bill No. 1617.

8 (c) Senate Bill No. 1618.

9 (d) House Bill No. 5055.