

Act No. 396
Public Acts of 2008
Approved by the Governor
December 26, 2008
Filed with the Secretary of State
December 29, 2008
EFFECTIVE DATE: December 29, 2008

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Rep. McDowell

ENROLLED HOUSE BILL No. 5355

AN ACT to amend 1989 PA 196, entitled "An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments," by amending sections 1, 4, and 8 (MCL 780.901, 780.904, and 780.908), sections 1 and 4 as amended by 1996 PA 520 and section 8 as amended by 1993 PA 345.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

- (a) "Commission" means the crime victim services commission described in section 2 of 1976 PA 223, MCL 18.352.
- (b) "Crime victim's rights services" means services required to implement fully the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and services prescribed under this act.
- (c) "Department" means the department of management and budget of this state.
- (d) "Felony" means a violation of a penal law of this state for which the offender, upon conviction, may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.
- (e) "Fund" means the crime victim's rights fund created under section 4.
- (f) "Juvenile offense" means an offense committed by a juvenile under the jurisdiction of the juvenile division of the probate court or the family division of circuit court under section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2, that if committed by an adult would be a felony, serious misdemeanor, or a specified misdemeanor if the juvenile's case is not designated as a case in which the juvenile is to be tried in the same manner as an adult.
- (g) "Serious misdemeanor" means that term as defined in section 61 of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.811.
- (h) "Specified misdemeanor" means a misdemeanor violation of any of the following:
 - (i) Section 602a, 625(1) or (3), 626, or 904 of the Michigan vehicle code, 1949 PA 300, MCL 257.602a, 257.625, 257.626, and 257.904.
 - (ii) Section 82127(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82127.
 - (iii) Section 81134(1) or (2) or 81135 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81134 and 324.81135.
 - (iv) Section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176.

- (v) Section 185 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.185.
- (vi) Part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.
- (vii) Section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701.
- (viii) Section 353 or 355 of the railroad code of 1993, 1993 PA 354, MCL 462.353 and 462.355.
- (ix) Section 174, 218, 356, 356d, 359, 362, 362a, 377a, 380, 479a, 535, or 540e of the Michigan penal code, 1931 PA 328, MCL 750.174, 750.218, 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380, 750.479a, 750.535, and 750.540e.
- (x) A local ordinance substantially corresponding to a law listed in subparagraphs (i) to (ix).

Sec. 4. (1) The crime victim's rights fund is created as a separate fund in the state treasury. The state treasurer shall credit to the fund all amounts received under this act and as provided by law. The state treasurer shall invest fund money in the same manner as surplus funds are invested under section 3 of 1855 PA 105, MCL 21.143. Earnings from the fund shall be credited to the fund.

(2) The fund shall be expended only as provided in this act. Amounts in the fund in excess of the necessary revenue determined by the commission under section 3(a) may be used for crime victim compensation under 1976 PA 223, MCL 18.351 to 18.368. Before October 1, 2009, any additional excess revenue that has not been used for crime victim compensation may be used to provide any of the following services:

(a) The operation and enhancement of the sex offender registry compiled and maintained under the sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.736.

(b) The Amber alert program under the Michigan Amber alert act, 2002 PA 712, MCL 28.751 to 28.754.

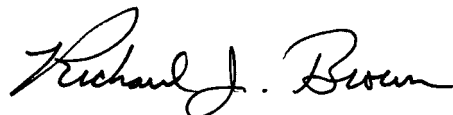
(c) Treatment services for victims of conduct prohibited under sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g.

(d) Polygraph examination as that term is defined under section 2 of the polygraph protection act of 1981, 1982 PA 44, MCL 37.202.


(e) The expert witness testimony of a forensic scientist.

Sec. 8. A court, department, or local agency that receives a distribution under this act shall use that distribution to maintain or enhance crime victim's rights services.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor