

Act No. 546  
Public Acts of 2008  
Approved by the Governor  
January 13, 2009  
Filed with the Secretary of State  
January 13, 2009  
EFFECTIVE DATE: April 1, 2009

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

**Introduced by Reps. Donigan, Constan, Condino, Ebli, Mayes, Warren, Kathleen Law, Meisner, Miller, Alma Smith, Johnson, Bieda, Byrnes, Cushingberry, Tobocman, Vagnozzi, Accavitti, Acciavatti, Amos, Angerer, Ball, Bauer, Bennett, Booher, Brandenburg, Brown, Byrum, Calley, Casperson, Caswell, Clack, Clemente, Corriveau, Coulouris, Dean, DeRoche, Elsenheimer, Espinoza, Gaffney, Garfield, Griffin, Hammel, Hammon, Hansen, Hildenbrand, Hopgood, Horn, Jackson, Rick Jones, Robert Jones, Knollenberg, Lahti, David Law, LeBlanc, Leland, Lemmons, Lindberg, Marleau, McDowell, Meadows, Meekhof, Melton, Meltzer, Moolenaar, Moore, Moss, Nitz, Nofs, Opsommer, Palsrok, Pastor, Pearce, Polidori, Proos, Rocca, Sak, Schuitmaker, Sheltroun, Stakoe, Steil, Valentine, Ward, Wenke and Wojno**

# **ENROLLED HOUSE BILL No. 5054**

AN ACT 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:*

Sec. 1. This act shall be known and may be cited as the "sexual assault victims' medical forensic intervention and treatment act".

Sec. 2. As used in this act:

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

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

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

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

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

(d) "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.

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

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

(ii) Information and referral services.

(iii) Crisis intervention services.

(iv) Advocacy services.

(v) Service coordination.

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

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

(g) "Victim" means 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.

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

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

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

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

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

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

(i) Perform the procedures required by sexual assault evidence kits.

(ii) Provide specialized assistance to victims.

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

(iv) 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 department of human services.

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

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

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

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

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

(4) The board may promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to implement this section.

Enacting section 1. This act takes effect April 1, 2009.

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

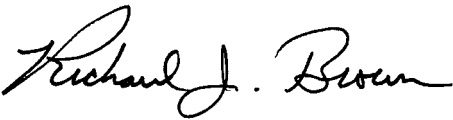
(a) Senate Bill No. 1616.

(b) Senate Bill No. 1617.

(c) Senate Bill No. 1618.

(d) House Bill No. 5055.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved \_\_\_\_\_

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Governor