

Legislative Analysis



INCREASE ASSESSMENTS FOR CRIMINAL OFFENSES USED FOR CRIME VICTIMS SERVICES

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House Bill 5661

Sponsor: Rep. Gary McDowell

Committee: Judiciary

Complete to 2-10-10

A SUMMARY OF HOUSE BILL 5661 AS INTRODUCED 12-8-09

The bill would increase the amount of an assessment imposed on persons for a criminal offense. Generally speaking, the assessments are to be used to pay for crime victim's rights services.

Currently, the Crime Victim's Rights Services Act (MCL 780.905) imposes an assessment when a person is charged with a felony, serious misdemeanor, or specified misdemeanor that is resolved by conviction, by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal.

The bill would amend the act to raise the current assessment for a felony offense from \$60 to \$130. The assessment imposed for a serious misdemeanor or specified misdemeanor would be raised from \$50 to \$75 and be applied to all misdemeanor offenses.

The bill would also raise the assessment imposed on a juvenile for whom the court entered an order of disposition for a juvenile offense from \$20 to \$25.

("Specified misdemeanor" is defined in the act to include numerous offenses, including reckless driving; fleeing and eluding a police officer; driving on a suspended or revoked license; drunk or impaired driving; operating a snowmobile, ORV, watercraft, or train while under the influence of alcohol or visibly impaired; providing alcohol to minors; larceny; willful and malicious destruction of property; and receiving stolen property.

"Serious misdemeanor" is defined in the William Van Regenmorter Crime Victim's Rights Act to include the following offenses: assault and battery, including domestic violence; aggravated assault; breaking and entering; fourth-degree child abuse; contributing to the delinquency of a minor; certain computer crimes; aiming or discharging a firearm at a person; stalking; indecent exposure; injuring a worker in a work zone; drunk, drugged, or impaired driving causing property damage or physical injury or death to another; providing alcohol to a minor resulting in injury or death to another; leaving the scene of personal injury accident; a violation of local ordinances substantially corresponding to any of the above; and a crime enumerated above subsequently reduced to or pleaded down to a misdemeanor.)

FISCAL IMPACT:

House Bill 5661 would have a positive fiscal impact for crime victim's rights service providers. The local court funding unit may receive 10% of the assessment to provide funding for the costs incurred under this section and for providing crime victim's rights services. Ninety percent of the assessment is transmitted to the Department of Treasury who then provides payments to the treasurer of a unit of government. The treasurer then transmits the money to the courts, departments, and local agencies as the Department of Management and Budget directs.

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