

HOUSE BILL No. 5661

December 8, 2009, Introduced by Reps. McDowell, Lahti, Haugh, Coulouris, Scripps, Leland, Neumann, Liss, LeBlanc, Haase, Spade, Espinoza, Hammel, Lindberg, Nerat and Dean and referred to the Committee on Judiciary.

A bill 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 section 5 (MCL 780.905), as amended by 2005 PA 315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) The court shall order each person charged with an
2 offense that is a felony, a serious misdemeanor, or a specified
3 misdemeanor, that is resolved by conviction, by assignment of the
4 defendant to youthful trainee status, by a delayed sentence or
5 deferred entry of judgment of guilt, or in another way that is not
6 an acquittal or unconditional dismissal, to pay an assessment as

1 follows:

2 (a) If the offense is a felony, ~~\$60.00~~ **\$130.00**.

3 (b) If the offense is a ~~serious misdemeanor or a specified~~
4 misdemeanor, ~~\$50.00~~ **\$75.00**.

5 (2) The court shall order a defendant to pay only 1 assessment
6 under subsection (1) per criminal case. Payment of the assessment
7 shall be a condition of a probation order entered under chapter XI
8 of the code of criminal procedure, 1927 PA 175, MCL 771.1 to
9 771.14a, or a parole order entered under section 36 of the
10 corrections code of 1953, 1953 PA 232, MCL 791.236.

11 (3) The court shall order each juvenile for whom the court
12 enters an order of disposition for a juvenile offense to pay an
13 assessment of ~~\$20.00~~ **\$25.00**. The court shall order a juvenile to
14 pay only 1 assessment under this subsection per case.

15 (4) Except as otherwise provided under this act, an assessment
16 under this section shall be used to pay for crime victim's rights
17 services.

18 (5) If a defendant ordered to pay an assessment under this act
19 posted a cash bond or bail deposit in connection with the case, the
20 court shall order the assessment collected out of that bond or
21 deposit as provided in section 15 of chapter V and section 22 of
22 chapter XV of the code of criminal procedure, 1927 PA 175, MCL
23 765.15 and 775.22, or section 6 or 7 of 1966 PA 257, MCL 780.66 and
24 780.67.

25 (6) If a person is subject to any combination of fines, costs,
26 restitution, assessments, or payments arising out of the same
27 criminal or juvenile proceeding, money collected from that person

1 for the payment of fines, costs, restitution, assessments, or other
2 payments shall be allocated as provided in section 22 of chapter XV
3 of the code of criminal procedure, 1927 PA 175, MCL 775.22, or
4 section 29 of chapter XIIIA of the probate code of 1939, 1939 PA
5 288, MCL 712A.29.

6 (7) The clerk of the court shall do both of the following on
7 the last day of each month:

8 (a) Transmit 90% of the assessments received under this
9 section to the department of treasury with a written report of
10 those assessments as the department of treasury prescribes. To
11 provide funding for costs incurred under this section and for
12 providing crime victim's rights services, the court may retain 10%
13 of the assessments received under this section and transmit that
14 amount to the court's funding unit.

15 (b) Transmit a written report to the department on a form the
16 department prescribes containing all of the following information
17 for that month:

18 (i) The name of the court.

19 (ii) The total number of criminal convictions or dispositions
20 for offenses that if committed by an adult would be criminal
21 obtained in that court.

22 (iii) The total number of defendants or juveniles against whom
23 an assessment was imposed by that court.

24 (iv) The total amount of assessments imposed by that court.

25 (v) The total amount of assessments collected by that court.

26 (vi) Other information required by the department.