

# HOUSE BILL No. 5667

December 8, 2009, Introduced by Reps. Schuitmaker, Lahti, McDowell, Bauer, Hildenbrand, Rick Jones, Opsommer, Denby, Meekhof, Elsenheimer, Scripps, Neumann, Liss, Hammel, Dean, Tyler, Pearce, Coulouris, Haase, Espinoza and Spade and referred to the Committee on Judiciary.

A bill to amend 1976 PA 223, entitled

"An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties,"

by amending section 11 (MCL 18.361), as amended by 2008 PA 390.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11. (1) Except for a claim under section 5a, an award  
2       made under this act shall be an amount not more than an out-of-  
3       pocket loss, including indebtedness reasonably incurred for medical  
4       or other services necessary as a result of the injury upon which  
5       the claim is based, together with loss of earnings or support  
6       resulting from the injury. The aggregate award under this act shall  
7       not exceed ~~\$15,000.00~~ **\$25,000.00** per claimant.

8       (2) Unless reduced under this act, an award made for loss of  
9       earnings or support shall be in an amount equal to the actual loss

1 sustained. An award shall not exceed ~~\$200.00~~ **\$350.00** for each week  
2 of lost earnings or support.

3 (3) An award made for funeral expenses, including burial  
4 expenses, and ~~grief~~ **SHALL NOT EXCEED \$5,000.00 FOR EACH VICTIM. AN**  
5 **AWARD UNDER THIS SUBSECTION SHALL NOT EXCEED AN ADDITIONAL \$500.00**  
6 **FOR EACH OF THE FOLLOWING SERVICES:**

7 (A) **GRIEF** counseling ~~, shall be not less than \$200.00 or more~~  
8 ~~than \$2,000.00 for each victim. The award may include not more than~~  
9 ~~\$500.00 to reimburse expenses for grief counseling for the victim's~~  
10 ~~spouse, child, parent, or sibling~~ **CHILDREN, PARENTS, SIBLINGS,**  
11 **GRANDPARENTS, AND GRANDCHILDREN.**

12 (B) **CRIME SCENE CLEANUP SERVICES AFTER CRIME SCENE CLEANUP IS**  
13 **PERMITTED BY THE INVESTIGATING LAW ENFORCEMENT AGENCY, IF THE CRIME**  
14 **SCENE IS LOCATED AT THE RESIDENCE OF THE VICTIM OR OF A PERSON**  
15 **ELIGIBLE FOR AN AWARD UNDER SECTION 4(1)(B).**

16 (4) An award for psychological counseling shall not exceed ~~26~~  
17 **35** hourly sessions per victim or intervenor. The award may include  
18 not more than 8 family sessions that include any of the victim's or  
19 intervenor's spouse, children, parents, or siblings who are not  
20 criminally responsible for or an accomplice to the crime. The  
21 maximum hourly reimbursement rate shall not exceed \$80.00 per  
22 hourly session for a therapist or counselor licensed or registered  
23 to practice in this state, except that the maximum hourly  
24 reimbursement rate shall not exceed ~~\$95.00~~ **\$125.00** per hourly  
25 session for a psychologist or physician licensed to practice in  
26 this state.

27 (5) An award shall be reduced by the amount of 1 or more of

1 the following payments received or to be received as a result of  
2 the injury:

3 (a) From or on behalf of the person who committed the crime.

4 (b) From insurance, but not including disability or death  
5 benefits paid or to be paid to a peace officer or a corrections  
6 officer on account of injuries sustained in the course of  
7 employment.

8 (c) From public funds, but not including disability or death  
9 benefits paid or to be paid to a peace officer or a corrections  
10 officer on account of injuries sustained in the course of  
11 employment.

12 (d) From an emergency award under section 9.

13 (6) In making a determination on a claim filed by a person  
14 listed in section 4(1)(a), (b), or (c), the commission shall  
15 determine whether the victim's misconduct contributed to his or her  
16 injury and shall reduce the amount of the award or reject the claim  
17 altogether, in accordance with the determination. The commission  
18 may disregard for this purpose the victim's responsibility for his  
19 or her own injury if the record shows that the injury was  
20 attributable to the victim's efforts to prevent a crime or an  
21 attempted crime from occurring in his or her presence or to  
22 apprehend a person who had committed a crime in his or her  
23 presence. As used in this subsection, "misconduct" includes but is  
24 not limited to provocation of or participation in a crime  
25 contemporaneous with or immediately preceding the injury.

26 (7) Except for a claim under section 5a, if the commission  
27 finds that the claimant will not suffer serious financial hardship

1 as a result of the loss of earnings or support and the out-of-  
2 pocket expenses incurred as a result of the injury if he or she is  
3 not granted financial assistance, the commission shall deny the  
4 award. In determining the serious financial hardship, the  
5 commission shall consider all of the financial resources of the  
6 claimant.

7 (8) If the commission determines that the payment of an award  
8 will cause substantial unjust enrichment and economic benefit to a  
9 person criminally responsible for the crime, the commission shall  
10 deny the payment.