

SENATE BILL No. 1469

August 24, 2010, Introduced by Senators HUNTER and BASHAM and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled "William Van Regenmorter crime victim's rights act," by amending sections 16a, 44a, and 76a (MCL 780.766a, 780.794a, and 780.826a), as amended by 2006 PA 461.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16a. (1) If a person is subject to any combination of
2 fines, costs, restitution, assessments, probation or parole
3 supervision fees, or other payments arising out of the same
4 criminal proceeding, money collected from that person for the
5 payment of fines, costs, restitution, assessments, probation or
6 parole supervision fees, or other payments ordered to be paid in
7 that proceeding shall be allocated as provided in this section. If
8 a person is subject to fines, costs, restitution, assessments,
9 probation or parole supervision fees, or other payments in more

1 than 1 proceeding in a court and if a person making a payment on
2 the fines, costs, restitution, assessments, probation or parole
3 supervision fees, or other payments does not indicate the
4 proceeding for which the payment is made, the court shall first
5 apply the money paid to a proceeding in which there is unpaid
6 restitution to be allocated as provided in this section.

7 (2) Except as otherwise provided in this subsection, if a
8 person is subject to payment of victim payments and any combination
9 of other fines, costs, assessments, probation or parole supervision
10 fees, or other payments, ~~50%–100%~~ of each payment collected by the
11 court from that person shall be applied to payment of victim
12 payments. ~~, and the balance shall be applied to payment of fines,~~
13 ~~costs, supervision fees, and other assessments or payments.~~ If a
14 person making a payment indicates that the payment is to be applied
15 to victim payments, or if the payment is received as a result of a
16 wage assignment under section 16 or from the department of
17 corrections or sheriff under section 17a, the payment shall first
18 be applied to victim payments. If any fines, costs, supervision
19 fees, or other assessments or payments remain unpaid after all of
20 the victim payments have been paid, any additional money collected
21 shall be applied to payment of those fines, costs, supervision
22 fees, or other assessments or payments. If any victim payments
23 remain unpaid after all of the fines, costs, supervision fees, or
24 other assessments or payments have been paid, any additional money
25 collected shall be applied to payment of those victim payments.

26 (3) In cases involving prosecutions for violations of state
27 law, money allocated under subsection (2) for payment of fines,

1 costs, probation and parole supervision fees, and assessments or
2 payments other than victim payments shall be applied in the
3 following order of priority:

4 (a) Payment of the minimum state cost prescribed by section 1j
5 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
6 769.1j.

7 (b) Payment of other costs.

8 (c) Payment of fines.

9 (d) Payment of probation or parole supervision fees.

10 (e) Payment of assessments and other payments, including
11 reimbursement to third parties who reimbursed a victim for his or
12 her loss.

13 (4) In cases involving prosecutions for violations of local
14 ordinances, money allocated under subsection (2) for payment of
15 fines, costs, and assessments or payments other than victim
16 payments shall be applied in the following order of priority:

17 (a) Payment of the minimum state cost prescribed by section 1j
18 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
19 769.1j.

20 (b) Payment of fines and other costs.

21 (c) Payment of assessments and other payments.

22 (5) As used in this section, "victim payment" means
23 restitution ordered to be paid to the victim or the victim's
24 estate, but not to a person who reimbursed the victim for his or
25 her loss; or an assessment ordered under section 5 of 1989 PA 196,
26 MCL 780.905.

27 Sec. 44a. (1) If a juvenile is subject to any combination of

1 fines, costs, restitution, assessments, probation or parole
2 supervision fees, or other payments arising out of the same
3 criminal proceeding, money collected from that juvenile for the
4 payment of fines, costs, restitution, assessments, probation or
5 parole supervision fees, or other payments ordered to be paid in
6 that proceeding shall be allocated as provided in this section. If
7 a person is subject to fines, costs, restitution, assessments,
8 probation or parole supervision fees, or other payments in more
9 than 1 proceeding in a court and if a person making a payment on
10 the fines, costs, restitution, assessments, probation or parole
11 supervision fees, or other payments does not indicate the
12 proceeding for which the payment is made, the court shall first
13 apply the money paid to a proceeding in which there is unpaid
14 restitution to be allocated as provided in this section.

15 (2) Except as otherwise provided in this subsection, if a
16 juvenile is subject to payment of victim payments and any
17 combination of other fines, costs, assessments, probation or parole
18 supervision fees, or other payments, ~~50%–100%~~ of each payment
19 collected by the court from that juvenile shall be applied to
20 payment of victim payments. ~~, and the balance shall be applied to~~
21 ~~payment of fines, costs, supervision fees, and other assessments or~~
22 ~~payments.~~ If a person making a payment indicates that the payment
23 is to be applied to victim payments, or if the payment is received
24 as a result of a wage assignment under section 44 or from the
25 department of corrections, sheriff, department of human services,
26 or county juvenile agency under section 46b, the payment shall
27 first be applied to victim payments. If any fines, costs,

1 supervision fees, or other assessments or payments remain unpaid
2 after all of the victim payments have been paid, any additional
3 money collected shall be applied to payment of those fines, costs,
4 supervision fees, or other assessments or payments. If any victim
5 payments remain unpaid after all of the fines, costs, supervision
6 fees, or other assessments or payments have been paid, any
7 additional money collected shall be applied to payment of those
8 victim payments.

9 (3) In cases involving prosecutions for violations of state
10 law, money allocated under subsection (2) for payment of fines,
11 costs, probation and parole supervision fees, and assessments or
12 payments other than victim payments shall be applied in the
13 following order of priority:

14 (a) Payment of the minimum state cost prescribed by section 1j
15 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
16 769.1j.

17 (b) Payment of other costs.

18 (c) Payment of fines.

19 (d) Payment of probation or parole supervision fees.

20 (e) Payment of assessments and other payments, including
21 reimbursement to third parties who reimbursed a victim for his or
22 her loss.

23 (4) In cases involving prosecutions for violations of local
24 ordinances, money allocated under subsection (2) for payment of
25 fines, costs, and assessments or payments other than victim
26 payments shall be applied in the following order of priority:

27 (a) Payment of the minimum state cost prescribed by section 1j

1 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
2 769.1j.

3 (b) Payment of fines and other costs.

4 (c) Payment of assessments and other payments.

5 (5) As used in this section, "victim payment" means
6 restitution ordered to be paid to the victim or the victim's
7 estate, but not to a person who reimbursed the victim for his or
8 her loss; or an assessment ordered under section 5 of 1989 PA 196,
9 MCL 780.905.

10 Sec. 76a. (1) If a person is subject to any combination of
11 fines, costs, restitution, assessments, probation or parole
12 supervision fees, or other payments arising out of the same
13 criminal proceeding, money collected from that person for the
14 payment of fines, costs, restitution, assessments, probation or
15 parole supervision fees, or other payments ordered to be paid in
16 that proceeding shall be allocated as provided in this section. If
17 a person is subject to fines, costs, restitution, assessments,
18 probation or parole supervision fees, or other payments in more
19 than 1 proceeding in a court and if a person making a payment on
20 the fines, costs, restitution, assessments, probation or parole
21 supervision fees, or other payments does not indicate the
22 proceeding for which the payment is made, the court shall first
23 apply the money paid to a proceeding in which there is unpaid
24 restitution to be allocated as provided in this section.

25 (2) Except as otherwise provided in this subsection, if a
26 person is subject to payment of victim payments and any combination
27 of other fines, costs, assessments, probation or parole supervision

1 fees, or other payments, ~~50%–100%~~ of each payment collected by the
2 court from that person shall be applied to payment of victim
3 payments. ~~, and the balance shall be applied to payment of fines,~~
4 ~~costs, supervision fees, and other assessments or payments.~~ If a
5 person making a payment indicates that the payment is to be applied
6 to victim payments, or if the payment is received as a result of a
7 wage assignment under section 76 or from the sheriff under section
8 80a, the payment shall first be applied to victim payments. If any
9 fines, costs, supervision fees, or other assessments or payments
10 remain unpaid after all of the victim payments have been paid, any
11 additional money collected shall be applied to payment of those
12 fines, costs, supervision fees, or other assessments or payments.
13 If any victim payments remain unpaid after all of the fines, costs,
14 supervision fees, or other assessments or payments have been paid,
15 any additional money collected shall be applied to payment of those
16 victim payments.

17 (3) In cases involving prosecutions for violations of state
18 law, money allocated under subsection (2) for payment of fines,
19 costs, probation and parole supervision fees, and assessments or
20 payments other than victim payments shall be applied in the
21 following order of priority:

22 (a) Payment of the minimum state cost prescribed by section 1j
23 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
24 769.1j.

25 (b) Payment of other costs.

26 (c) Payment of fines.

27 (d) Payment of probation or parole supervision fees.

1 (e) Payment of assessments and other payments, including
2 reimbursement to third parties who reimbursed a victim for his or
3 her loss.

4 (4) In cases involving prosecutions for violations of local
5 ordinances, money allocated under subsection (2) for payment of
6 fines, costs, and assessments or payments other than victim
7 payments shall be applied in the following order of priority:

8 (a) Payment of the minimum state cost prescribed by section 1j
9 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL
10 769.1j.

11 (b) Payment of fines and other costs.

12 (c) Payment of assessments and other payments.

13 (5) As used in this section, "victim payment" means
14 restitution ordered to be paid to the victim or the victim's
15 estate, but not to a person who reimbursed the victim for his or
16 her loss; or an assessment ordered under section 5 of 1989 PA 196,
17 MCL 780.905.

18 Enacting section 1. This amendatory act does not take effect
19 unless all of the following bills of the 95th Legislature are
20 enacted into law:

21 (a) Senate Bill No. 1470.

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23 (b) Senate Bill No. 1471.

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