

Legislative Analysis



CLARIFY RESTITUTION TO CRIME VICTIM WHO DIES

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House Bill 4636 (reported without amendment)

Sponsor: Rep. Tom Leonard

Committee: Judiciary

Complete to 6-17-13

A SUMMARY OF HOUSE BILL 4636 AS REPORTED BY COMMITTEE 6-13-13

The bill would amend the William Van Regenmorter Crime Victim's Rights Act (MCL 780.766, 780.794, and 780.794) to clarify that if a victim is deceased or dies, the court shall order that the restitution or remaining restitution be made to the victim's estate. (Underlining denotes the new language added by the bill.)

FISCAL IMPACT:

House Bill 4636 as introduced has no fiscal implications for the state Crime Victim Services program in the Department of Community Health.

BRIEF DISCUSSION OF THE BILL:

Reportedly, the original intent of the William Van Regenmorter Crime Victim's Rights Act (CVRA) regarding restitution was that any court-ordered restitution be fully paid by the defendant. If the victim was deceased, the payments would go to the victim's estate. Apparently, some judges have been interpreting that provision as meaning that if the victim was deceased at the time the order to pay restitution was imposed, then the payments would go to the estate. But if the victim died after the defendant had begun to make restitution, the judges were voiding the restitution order. The bill would simply clarify that restitution must be fully repaid. If a victim dies after restitution is partially repaid, the remaining amount of the restitution is to be made to the victim's estate.

POSITIONS:

A representative of the Office of Attorney General testified in support of the bill. (6-13-13)

The Prosecuting Attorneys Association of Michigan indicated support for the bill. (6-13-13)

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