

# Legislative Analysis



## REPORTING ON COMPENSATION TO MINOR VICTIMS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 21 (reported from House committee as H-2)**

**Sponsor: Sen. Rebekah Warren**

**House Committee: Michigan Competitiveness**

**Senate Committee: Michigan Competitiveness**

**Complete to 3-6-17**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enrolled Version)*

### SUMMARY:

Senate Bill 21 would amend Public Act 196 of 1989, which creates the Crime Victim's Rights Fund and prescribes its administration. It would take effect 90 days after enactment.

Under the Crime Victim's Rights Services Act, the Crime Victim Services Commission assesses penalties against individuals convicted of felonies, misdemeanors, and ordinance violations, and also determines the revenue needed to pay for crime victim's rights services. Revenue for those services accrue to the fund, which is administered by the state treasurer; disbursements are directed and authorized by the Michigan Department of Health and Human Services (MDHHS).

In addition to the fund's primary purpose of paying for crime victim's rights services, the Act currently allows funds to be used for crime victim compensation or to provide for establishment and maintenance of a statewide trauma system.

Senate Bill 21 would specifically include minor crime victims as among those who could receive compensation. Further, it would require reporting on the funds going to minor crime victims, beginning December 31, 2017, and annually after that date.

Specifically, the MDHHS would be required to report all of the following to the legislature:

- The number of minor crime victims who received compensation.
- The age, gender, and geographic location of minor crime victims who received compensation.
- Whether the compensation was used for counseling or other services.
- If the compensation was used for counseling, whether the minor crime victim received the counseling during a one-time visit or over the course of multiple visits.

For the purposes of this section, ***minor crime victim*** is defined as a crime victim who is less than 18 years old.

MCL 780.904

### HOUSE COMMITTEE ACTION:

Initially, the bill would have allowed up to \$1 million of the Crime Victim's Rights Fund to be provided to child advocacy centers for use for child victims. Some voiced concern that the bill was directing that the fund be used for a purpose other than those for which it was intended.

(According to testimony, the Fund was established as a compensation fund for victims, rather than a service fund, and as such should always have a surplus, as there is no telling what the future need will be). Accordingly, the H-2 substitute removes that provision and instead explicitly adds "minor crime victims" as among those who could receive compensation from the fund.

## **FISCAL INFORMATION:**

The Crime Victim's Rights Fund can be used for the following three purposes:

- First, for crime victim services.
- Second, amounts in excess of the necessary revenues for services may be used for crime victim compensation.
- Third, any additional excess revenue that has not been used for victim compensation may be provided for the statewide trauma system, but not more than \$3.5 million.

The Crime Victim's Rights Fund currently receives sufficient revenue to fully fund all purposes listed above which total about \$20 million. The estimated balance in the Fund at the end of FY 2015-16 is \$23–25 million, with a similar balance anticipated for FY 2016-17 year end.

Senate Bill 21 allows funding from the Crime Victim's Rights Fund to be used to compensate minor children who are the victims of crimes. The bill also requires the Department to produce an annual report containing information concerning the minor children that received compensation. Any additional cost to the Department of Health and Human Services under the bill's provisions would be related to the production of the new required annual report, which should have no significant fiscal impact to the Department. The bill would have no fiscal impact on local units of government.

## **POSITIONS:**

The following organizations indicated support for the package of corrections-related bills in the Michigan Competitiveness Committee:

- Michigan Catholic Conference (2-8-17)
- Goodwill Industries of Greater Detroit (2-8-17)
- The office of the Attorney General (3-1-17)
- Michigan Coalition to End Domestic and Sexual Violence (3-1-17)

The Michigan Association of Counties is currently evaluating the bills as reported from committee. (3-6-17).

A representative of the Citizens Alliance on Prisons and Public Spending indicated neutrality on the bill. (2-8-17)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.