



SENATE BILL No. 474

March 9, 1993, Introduced by Senators VAN REGENMORTER, CISKY, DE GROW, DUNASKISS, FAUST and KELLY and referred to the Committee on Judiciary.

A bill to amend section 5 of Act No. 223 of the Public Acts of 1976, entitled

"An act to create the crime victims compensation board; 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,"

as amended by Act No. 316 of the Public Acts of 1990, being section 18.355 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 5 of Act No. 223 of the Public Acts of
2 1976, as amended by Act No. 316 of the Public Acts of 1990, being
3 section 18.355 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 5. (1) A claim may be filed by the person eligible to
6 receive an award, or if a person is a minor, by his or her parent
7 or guardian.

1 (2) ~~-A-~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A claim shall
2 be filed by the claimant not later than 1 year after the occur-
3 rence of the crime upon which the claim is based, except as
4 follows:

5 (a) If police records show that a victim of criminal sexual
6 conduct in the first, second, or third degree was less than 18
7 years of age at the time of the occurrence and that the victim
8 reported the crime before attaining 19 years of age, a claim
9 based on that crime may be filed not later than 1 year after the
10 crime was reported.

11 (b) A claim may be filed within 1 year after the discovery
12 by a law enforcement agency that injuries previously determined
13 to be accidental, of unknown origin, or resulting from natural
14 causes, were incurred as the result of a crime.

15 (3) THE BOARD MAY, UPON PETITION BY THE CLAIMANT, AND FOR
16 GOOD CAUSE SHOWN, EXTEND THE PERIOD IN WHICH A CLAIM MAY BE FILED
17 UNDER SUBSECTION (2) FOR A PERIOD OF NOT MORE THAN 1 YEAR.

18 (4) ~~-(3)-~~ A claim shall be filed in the office of the board
19 in person or by mail. The board shall accept for filing a claim
20 that is submitted by a person who is eligible and which alleges
21 the jurisdictional requirements set forth in this act and meets
22 the requirements as to form as approved by the board.

23 (5) ~~-(4)-~~ Upon filing of a claim, the board shall promptly
24 notify the prosecuting attorney of the county in which the crime
25 is alleged to have occurred. If, within 20 days after the noti-
26 fication, the prosecuting attorney advises the board that a
27 criminal prosecution is pending upon the same alleged crime and

1 requests that action by the board be deferred, the board shall
2 defer the proceedings until the criminal prosecution is
3 concluded. When the criminal prosecution is concluded, the pros-
4 ecuting attorney shall promptly notify the board. This section
5 does not prohibit the board from granting emergency awards pursu-
6 ant to section 9.