



# SENATE BILL No. 943

March 27, 1996, Introduced by Senator VAN REGENMORTER and referred to the Committee on Appropriations.

A bill to amend sections 1 and 5 of Act No. 196 of the Public Acts of 1989, entitled as amended

"An act to create the criminal assessments commission; to prescribe the duties of the commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments,"

as amended by Act No. 345 of the Public Acts of 1993, being sections 780.901 and 780.905 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 5 of Act No. 196 of the Public  
2 Acts of 1989, as amended by Act No. 345 of the Public Acts of  
3 1993, being sections 780.901 and 780.905 of the Michigan Compiled  
4 Laws, are amended to read as follows:

5 Sec. 1. As used in this act:

1 (a) "Commission" means the criminal assessments commission  
2 created under section 2.

3 (b) "Crime victim's rights services" means services required  
4 to implement fully the crime victim's rights act, Act No. 87 of  
5 the Public Acts of 1985, being sections 780.751 to 780.834 of the  
6 Michigan Compiled Laws.

7 (c) "Department" means the department of management and  
8 budget of this state.

9 (d) "Felony" means a violation of a penal law of this state  
10 for which the offender, upon conviction, may be punished by  
11 imprisonment for more than 1 year, or an offense expressly desig-  
12 nated by law to be a felony.

13 (e) "Fund" means the crime victim's rights fund created  
14 under section 4.

15 (f) "Juvenile offense" means an offense committed by an  
16 individual under the jurisdiction of the juvenile division of the  
17 probate court pursuant to section 2(a)(1) of chapter XIIA of Act  
18 No. 288 of the Public Acts of 1939, being section 712A.2 of the  
19 Michigan Compiled Laws, that if committed by an adult would be a  
20 felony, serious misdemeanor, or a specified misdemeanor.

21 (g) "Serious misdemeanor" means that term as defined in  
22 section 61 of Act No. 87 of the Public Acts of 1985, being  
23 section 780.811 of the Michigan Compiled Laws.

24 (h) "Specified misdemeanor" means a violation of any of the  
25 following IF THE VIOLATION IS A MISDEMEANOR:

26 (i) Section 602a, 625(1) or (3), 626, or 904 of the Michigan  
27 vehicle code, Act No. 300 of the Public Acts of 1949, being

1 sections 257.602a, 257.625, 257.626, and 257.904 of the Michigan  
2 Compiled Laws if the violation is a misdemeanor.

3 (ii) Section ~~15(1)(b)~~ 15A(1) OR (3) of THE MICHIGAN SNOW-  
4 MOBILE ACT, Act No. 74 of the Public Acts of 1968, being section  
5 ~~257.1515~~ 257.1515A of the Michigan Compiled Laws.

6 (iii) Section 20a(1) or (2) or 20b of Act No. 319 of the  
7 Public Acts of 1975, being sections 257.1620a and 257.1620b of  
8 the Michigan Compiled Laws.

9 (iv) Section ~~171~~ 171(1) OR (3) of the marine safety act,  
10 Act No. 303 of the Public Acts of 1967, being section 281.1171 of  
11 the Michigan Compiled Laws.

12 (v) Section 185 of the aeronautics code of the state of  
13 Michigan, Act No. 327 of the Public Acts of 1945, being section  
14 259.185 of the Michigan Compiled Laws.

15 (vi) Part 74 or section 17766a of the public health code,  
16 Act No. 368 of the Public Acts of 1978, being sections 333.7401  
17 to 333.7461 and 333.17766a of the Michigan Compiled Laws. ~~if~~  
18 ~~the violation is a misdemeanor~~

19 (vii) Section 33 of the Michigan liquor control act, Act  
20 No. 8 of the Public Acts of the Extra Session of 1933, being  
21 section 436.33 of the Michigan Compiled Laws.

22 (viii) Section ~~2 or 3 of Act No. 4 of the Public Acts of~~  
23 ~~1986, being sections 470.202 and 470.203 of the Michigan Compiled~~  
24 ~~Laws~~ 353 OR 355 OF THE RAILROAD CODE OF 1993, ACT NO. 354 OF THE  
25 PUBLIC ACTS OF 1993, BEING SECTIONS 462.353 AND 462.355 OF THE  
26 MICHIGAN COMPILED LAWS.

1 (ix) Section 174, 218, 356, 356d, 359, 362, 362a, 377a, 380,  
2 479a, 535, or 540e of the Michigan penal code, Act No. 328 of the  
3 Public Acts of 1931, being sections 750.174, 750.218, 750.356,  
4 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380,  
5 750.479a, 750.535, and 750.540e of the Michigan Compiled Laws.  $\neg$   
6 ~~if the violation is a misdemeanor.~~

7 (x) A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW  
8 LISTED IN SUBPARAGRAPHS (i) TO (ix).

9 Sec. 5. (1) The court shall order each person convicted of  
10 a felony to pay an assessment of ~~\$40.00~~ \$60.00, and each person  
11 convicted of a serious misdemeanor or a specified misdemeanor to  
12 pay an assessment of ~~\$30.00~~ \$50.00. The court shall order a  
13 defendant to pay only 1 assessment under this subsection per  
14 criminal case. Payment of the assessment shall be a condition of  
15 a probation order entered under chapter XI of the code of crimi-  
16 nal procedure, Act No. 175 of the Public Acts of 1927, being sec-  
17 tions 771.1 to 771.14a of the Michigan Compiled Laws, or a parole  
18 order entered under section 36 of Act No. 232 of the Public Acts  
19 of 1953, being section 791.236 of the Michigan Compiled Laws.

20 (2) The juvenile division of the probate court shall order  
21 each juvenile for whom the court enters an order of disposition  
22 for a juvenile offense to pay an assessment of \$20.00. The juve-  
23 nile division of probate court shall order a juvenile to pay only  
24 1 assessment under this subsection per case.

25 (3) Except as otherwise provided under this act, an assess-  
26 ment under this section shall be used to pay for crime victim's  
27 rights services.

1           (4) If the defendant ordered to pay an assessment posted a  
2 cash bond or bail deposit in connection with the case, the court  
3 shall order the assessment collected out of that bond or deposit  
4 as provided in section 15 of chapter V and section 22 of chapter  
5 XV of the code of criminal procedure, Act No. 175 of the Public  
6 Acts of 1927, being sections 765.15 and 775.22 of the Michigan  
7 Compiled Laws, or section 6 or 7 of Act No. 257 of the Public  
8 Acts of 1966, being sections 780.66 and 780.67 of the Michigan  
9 Compiled Laws.

10           (5) If a person is subject to any combination of fines,  
11 costs, restitution, assessments, or payments arising out of the  
12 same criminal proceeding, money collected from that person for  
13 the payment of fines, costs, restitution, assessments, or other  
14 payments shall be allocated as provided in section 22 of chapter  
15 XV of Act No. 175 of the Public Acts of 1927 or section 29 of  
16 chapter XIIIA of Act No. 288 of the Public Acts of 1939, being  
17 section 712A.29 of the Michigan Compiled Laws.

18           (6) The clerk of the court shall do both of the following on  
19 the last day of each month:

20           (a) Transmit 90% of the assessments received under this sec-  
21 tion to the department of treasury with a written report of those  
22 assessments as the department of treasury prescribes. To provide  
23 funding for costs incurred pursuant to this section and for pro-  
24 viding crime victim's rights services, the court may retain 10%  
25 of the assessments received under this section and transmit that  
26 amount to the funding unit of the court.

1 (b) Transmit a written report to the department on a form  
2 the department prescribes containing all of the following  
3 information for that month:

4 (i) The name of the court.

5 (ii) The total number of criminal convictions obtained in  
6 that court.

7 (iii) The total number of defendants against whom an assess-  
8 ment was imposed by that court.

9 (iv) The total amount of assessments imposed by that court.

10 (v) The total amount of assessments collected by that  
11 court.

12 (vi) Other information required by the department.