

HOUSE BILL No. 5579

November 5, 2009, Introduced by Reps. Gonzales, LeBlanc, Spade, Barnett, Terry Brown, Jackson, Nathan, Neumann, Liss, Robert Jones, Womack, Kennedy, Bauer, Miller, Lisa Brown, Constan, Hammel, Polidori, Warren, Durhal, Smith and Meadows and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
(MCL 780.751 to 780.834) by adding section 16b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16B. WHEN SENTENCING A DEFENDANT CONVICTED OF AN OFFENSE
2 DESCRIBED IN CHAPTER LXVIIIA OF THE MICHIGAN PENAL CODE, 1931 PA
3 328, MCL 750.462A TO 750.462I, THE COURT SHALL ORDER RESTITUTION
4 FOR THE FULL AMOUNT OF LOSS SUFFERED BY THE VICTIM. IN ADDITION TO
5 RESTITUTION ORDERED UNDER SECTION 16, THE COURT MAY ORDER THE
6 DEFENDANT TO PAY ALL OF THE FOLLOWING:

7 (A) LOST INCOME, CALCULATED BY WHICHEVER OF THE FOLLOWING
8 METHODS RESULTS IN THE LARGEST AMOUNT:

9 (i) THE GROSS AMOUNT RECEIVED BY THE DEFENDANT FROM OR THE

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1 VALUE TO THE DEFENDANT OF THE VICTIM'S LABOR OR SERVICES.

2 (ii) THE VALUE OF THE VICTIM'S LABOR OR SERVICES AS CALCULATED
3 UNDER THE MINIMUM WAGE LAW OF 1964, 1964 PA 154, MCL 408.381 TO
4 408.398, OR THE FEDERAL MINIMUM WAGE, WHICHEVER RESULTS IN THE
5 LARGEST VALUE.

6 (iii) INCOME LOSS AS DETERMINED UNDER SECTION 16(4)(C).

7 (B) THE COST OF TRANSPORTATION, TEMPORARY HOUSING, AND CHILD
8 CARE EXPENSES INCURRED BY THE VICTIM BECAUSE OF THE OFFENSE.

9 (C) ATTORNEY FEES AND OTHER COSTS AND EXPENSES INCURRED BY THE
10 VICTIM BECAUSE OF THE OFFENSE, INCLUDING, BUT NOT LIMITED TO, COSTS
11 AND EXPENSES RELATING TO ASSISTING THE INVESTIGATION OF THE OFFENSE
12 AND FOR ATTENDANCE AT RELATED COURT PROCEEDINGS AS FOLLOWS:

13 (i) WAGES LOST.

14 (ii) CHILD CARE.

15 (iii) TRANSPORTATION.

16 (iv) PARKING.

17 (D) ANY OTHER LOSS SUFFERED BY THE VICTIM AS A PROXIMATE
18 RESULT OF THE OFFENSE.

[Enacting section 1. This amendatory act takes effect March 1,
2010.

Enacting section 2. This amendatory act does not take effect unless
all of the following bills of the 95th Legislature are enacted into law:

- (a) House Bill No. 5575.
- (b) House Bill No. 5576.
- (c) House Bill No. 5577.
- (d) House Bill No. 5578.]