

SUBSTITUTE FOR
HOUSE BILL NO. 4675

A bill to amend 1976 PA 223, entitled
"An act to create an agency concerned with crime victim services;
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,"
by amending sections 5, 10, and 12 (MCL 18.355, 18.360, and
18.362), sections 5 and 10 as amended by 2008 PA 390, and section
12 as amended by 1996 PA 519, and by adding section 16a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A claim may be filed by the person eligible to
2 receive an award, **a personal representative of the person eligible**
3 **to receive an award**, or, if a person is a minor, by his or her
4 parent or guardian.

5 (2) Except as provided in subsection (3), a claim ~~shall~~**must**

1 be filed by the claimant not later than ~~1 year~~ **5 years** after the
2 occurrence of the crime upon which the claim is based, except as
3 follows:

4 (a) If ~~police records show that a victim of either of the~~
5 **following applies, a claim based on the crime 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 based~~
9 ~~on that crime may be filed by a person listed in section 4(1)(a),~~
10 ~~(b), or (c) not later than 1 year after the crime was reported.~~ **may**
11 **be filed by a claimant not later than 5 years after the crime was**
12 **reported:**

13 (i) **Police records show the victim of the crime was less than**
14 **18 years of age at the time of the occurrence and the victim**
15 **reported the crime before attaining 28 years of age.**

16 (ii) **Police records show the victim of the crime was less than**
17 **18 years of age at the time of the occurrence, the victim reported**
18 **the crime after attaining 28 years of age, and the claimant shows**
19 **that there was good cause for the delay in reporting the crime.**

20 (b) A claim may be filed within ~~1 year~~ **5 years** after the
21 discovery by a law enforcement agency that injuries previously
22 determined to be accidental, of unknown origin, or resulting from
23 natural causes, were incurred as the result of a crime.

24 (3) Upon petition by the claimant and for good cause shown,
25 the commission may extend the period in which a claim may be filed
26 under subsection (2).

27 (4) **An application for an award under this act must be made on**
28 **a form approved by the commission.** A claim ~~shall~~ **must** be filed in
29 the commission's office in person or by mail, **or be filed by**

1 **electronic means authorized by the commission, if available.** The
2 commission shall accept for filing a claim that is submitted by a
3 person who is eligible, ~~and which alleges the jurisdictional~~
4 requirements set forth in this act, and meets the requirements as
5 to form as approved by the commission. **If the commission receives**
6 **sufficient documentation to make a determination on whether to**
7 **grant an award for at least 1 expense or loss submitted as part of**
8 **a claim, the commission shall promptly make a determination on**
9 **whether to grant an award for each expense or loss for which the**
10 **commission has received sufficient documentation to make that**
11 **determination. The commission may not require as a condition of**
12 **making a determination or award that a claimant must submit**
13 **sufficient documentation for all losses and expenses that will be**
14 **submitted as part of a claim. On the receipt of sufficient**
15 **documentation for any additional eligible expense or loss that is**
16 **part of a claim, the commission shall make a determination**
17 **regarding that expense or loss.**

18 ~~(5) Upon filing of a claim by a person listed in section~~
19 ~~4(1)(a), (b), or (c), the commission shall promptly notify the~~
20 ~~prosecuting attorney of the county in which the crime is alleged to~~
21 ~~have occurred. If, within 20 days after the notification, the~~
22 ~~prosecuting attorney advises the commission that a criminal~~
23 ~~prosecution is pending upon the same alleged crime and requests~~
24 ~~that action by the commission be deferred, the commission shall~~
25 ~~defer the proceedings until the criminal prosecution is concluded.~~
26 ~~When the criminal prosecution is concluded, the prosecuting~~
27 ~~attorney shall promptly notify the commission. This section does~~
28 ~~not prohibit the commission from granting emergency awards pursuant~~
29 ~~to section 9 or from paying a health care provider under section~~

1 ~~5a.~~

2 (5) The commission may inquire with the proper law enforcement
3 authorities, including the prosecuting attorney of the county in
4 which the crime is alleged to have occurred, as part of an
5 investigation of a claim filed with the commission.

6 Sec. 10. ~~An award shall not be made.~~ **The commission shall not**
7 **grant an award** unless the investigation of the claim verifies the
8 following facts:

9 (a) A crime was committed.

10 (b) The crime directly resulted in ~~personal physical injury to~~
11 ~~, or death of,~~ the victim **or intervenor.**

12 (c) Police records show that the crime was reported ~~promptly~~
13 to the proper authorities. ~~An award shall not be made if the police~~
14 ~~records show that the report was made more than 48 hours after the~~
15 ~~occurrence of the crime unless any of the following circumstances~~
16 ~~apply:~~

17 ~~(i) The crime was criminal sexual conduct committed against a~~
18 ~~victim who was less than 18 years of age at the time of the~~
19 ~~occurrence and the crime was reported before the victim attained 19~~
20 ~~years of age.~~

21 ~~(ii) The commission, for good cause shown, finds the delay was~~
22 ~~justified.~~

23 ~~(iii) The commission is making a payment under section 5a.~~

24 (d) That the crime did not occur while the victim was confined
25 in a federal, state, or local correctional facility.

26 Sec. 12. ~~The~~ **An award shall for each covered expense or loss**
27 **must** be paid in a lump sum, except that **for payments to health care**
28 **providers under section 5a or** in the case of death or protracted
29 disability, the commission may specify that the award shall provide

1 for periodic payments to compensate for **out-of-pocket expenses, or**
2 loss of earnings or support. An award made pursuant to this act
3 shall not be subject to execution or attachment other than for
4 expenses resulting from the **personal** injury ~~which—that~~ is the basis
5 for the claim. Any court of record, in establishing sentence for a
6 felon convicted of a crime resulting in awards paid under this
7 section, may impose a condition that the sentence include a method
8 for reimbursement to the state, within the ability of the felon to
9 comply, of the costs paid under this act to a victim of a crime for
10 which the conviction was made. ~~Such—The~~ reimbursement will be paid
11 into the general fund of the state. ~~Such—The~~ condition of
12 reimbursement may include a provision relating suspension or
13 probation to reimbursement or may be in lieu of other sentencing
14 and shall be enforceable by the court to the degree that failure to
15 meet the terms of reimbursement may be cause for reversion to an
16 alternate sentence or to completion of an unfinished sentence.

17 **Sec. 16a. The amendatory act that added this section applies**
18 **to claims submitted on or after the effective date of the**
19 **amendatory act.**

20 Enacting section 1. This amendatory act takes effect 450 days
21 after the date it is enacted into law and applies to claims
22 submitted on or after the effective date.