



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 929 (Substitute S-2 as reported)  
Sponsor: Senator John D. Cherry, Jr.  
Committee: Judiciary

**CONTENT**

The bill would amend the Code of Criminal Procedure to do all of the following:

- Eliminate a court's authority to order a criminal offender to make partial, rather than full, restitution to victims, the Crime Victims Compensation Board, or to any legal entity that compensated the victim.
- Require a court to state on the record, with specificity, its reasons for not ordering restitution to a victim, if the victim received other compensation. If an entity were entitled to restitution because it had compensated the victim, and the entity refused the reimbursement, that restitution would have to be deposited in the Crime Victim's Rights Fund.
- Specify that a restitution order would remain in effect until it was satisfied in full.
- Remove the authority of an offender to petition for a cancellation of an unpaid portion of restitution.
- Delete a requirement that an order of restitution be as fair as possible without complicating or prolonging the disposition or sentencing process.
- Eliminate consideration of the defendant's earning ability, financial resources, and other special circumstances as factors in determining the amount of restitution.
- Specify that an order of restitution would be a judgment and lien against all property of the offender for the amount of restitution.
- Require a court to give to the Department of Corrections (DOC) a copy of the restitution order, if a person ordered to pay restitution were remanded to the DOC's jurisdiction.

The bill would take effect on June 1, 1996, and is tie-barred to Senate Bills 925, 969, and 970.

MCL 769.1a

Legislative Analyst: P. Affholter

**FISCAL IMPACT**

The fiscal impact would depend on the ability of a criminal offender to pay full restitution ordered by the court. It is indeterminate whether the stricter enforcement methods would produce additional revenue for the Crime Victims Compensation Board.

The bill would have no fiscal impact on the Department of Corrections.

Date Completed: 4-25-96

Fiscal Analyst: M. Bain  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.