

Act No. 520
Public Acts of 1996
Approved by the Governor
January 12, 1997
Filed with the Secretary of State
January 13, 1997

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Gast, Van Regenmorter and Shugars

ENROLLED SENATE BILL No. 1213

AN ACT to amend the title and sections 1, 2, 3, 4, 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," section 1 as amended by Act No. 26 of the Public Acts of 1996, sections 3 and 4 as amended by Act No. 345 of the Public Acts of 1993, and section 5 as amended by Act No. 344 of the Public Acts of 1996, being sections 780.901, 780.902, 780.903, 780.904, and 780.905 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 2, 3, 4, and 5 of Act No. 196 of the Public Acts of 1989, section 1 as amended by Act No. 26 of the Public Acts of 1996, sections 3 and 4 as amended by Act No. 345 of the Public Acts of 1993, and section 5 as amended by Act No. 344 of the Public Acts of 1996, being sections 780.901, 780.902, 780.903, 780.904, and 780.905 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services 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.

Sec. 1. As used in this act:

(a) "Commission" means the crime victim services commission described in section 2 of Act No. 223 of the Public Acts of 1976, being section 18.352 of the Michigan Compiled Laws.

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

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

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

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

(f) "Juvenile offense" means an offense committed by a juvenile under the jurisdiction of the juvenile division of the probate court or the family division of circuit court under section 2(a)(1) of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2 of the Michigan Compiled Laws, that if committed by an adult would be a felony, serious misdemeanor, or a specified misdemeanor if the juvenile's case is not designated as a case in which the juvenile is to be tried in the same manner as an adult.

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

(h) "Specified misdemeanor" means a misdemeanor violation of any of the following:

(i) Section 602a, 625(1) or (3), 626, or 904 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.602a, 257.625, 257.626, and 257.904 of the Michigan Compiled Laws.

(ii) Section 82127(1) or (3) of part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.82127 of the Michigan Compiled Laws.

(iii) Section 81134(1) or (2) or 81135 of part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81134 and 324.81135 of the Michigan Compiled Laws.

(iv) Section 80176(1) or (3) of part 801 (marine safety) of Act No. 451 of the Public Acts of 1994, being section 324.80176 of the Michigan Compiled Laws.

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

(vi) Part 74 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7401 to 333.7461 and 333.17766a of the Michigan Compiled Laws.

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

(viii) Section 353 or 355 of the railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.353 and 462.355 of the Michigan Compiled Laws.

(ix) Section 174, 218, 356, 356d, 359, 362, 362a, 377a, 380, 479a, 535, or 540e of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.174, 750.218, 750.356, 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380, 750.479a, 750.535, and 750.540e of the Michigan Compiled Laws.

(x) A local ordinance substantially corresponding to a law listed in subparagraphs (i) to (ix).

Sec. 2. The criminal assessments commission formerly created under this act is abolished. Its powers, duties, and jurisdiction are transferred to the crime victim services commission.

Sec. 3. The commission shall do all of the following:

(a) Investigate and determine the amount of revenue needed to pay for crime victim's rights services.

(b) Investigate and determine an appropriate assessment amount to be imposed against convicted criminal defendants and juveniles for whom the probate court or the family division of circuit court enters orders of disposition for juvenile offenses to pay for crime victim's rights services.

(c) By December 31 of each year, report to the governor, the secretary of the senate, the clerk of the house of representatives, and the department the commission's findings and recommendations under this section.

Sec. 4. (1) The crime victim's rights fund is created as a separate fund in the state treasury. The state treasurer shall credit to the fund all amounts received under this act and as provided by law. The state treasurer shall invest fund money in the same manner as surplus funds are invested under section 3 of Act No. 105 of the Public Acts of 1855, being section 21.143 of the Michigan Compiled Laws. Earnings from the fund shall be credited to the fund.

(2) The fund shall be expended only as provided in this act. Amounts in the fund in excess of the necessary revenue determined by the commission under section 3(a) may be used for crime victims' compensation under Act No. 223 of the Public Acts of 1976, being sections 18.351 to 18.368 of the Michigan Compiled Laws.

Sec. 5. (1) The court shall order each person convicted of a felony to pay an assessment of \$60.00 and each person convicted of a serious misdemeanor or a specified misdemeanor to pay an assessment of \$50.00. The court shall order a defendant to pay only 1 assessment under this subsection per criminal case. Payment of the assessment shall be a condition of a probation order entered under chapter XI of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 771.1 to 771.14a of the Michigan Compiled Laws, or a parole order entered under section 36 of Act No. 232 of the Public Acts of 1953, being section 791.236 of the Michigan Compiled Laws.

(2) The court shall order each juvenile for whom the court enters an order of disposition for a juvenile offense to pay an assessment of \$20.00. The court shall order a juvenile to pay only 1 assessment under this subsection per case.

(3) Except as otherwise provided under this act, an assessment under this section shall be used to pay for crime victim's rights services.

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

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

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

(a) Transmit 90% of the assessments received under this section to the department of treasury with a written report of those assessments as the department of treasury prescribes. To provide funding for costs incurred under this section and for providing crime victim's rights services, the court may retain 10% of the assessments received under this section and transmit that amount to the court's funding unit.

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

(i) The name of the court.

(ii) The total number of criminal convictions or dispositions for offenses that if committed by an adult would be criminal obtained in that court.

(iii) The total number of defendants or juveniles against whom an assessment was imposed by that court.

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

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

(vi) Other information required by the department.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 1212 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.