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BILL ANALYSIS

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House Bill 4588 (Substitute S-1 as reported)  
Sponsor: Representative William Van Regenmorter  
House Committee: Judiciary  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Crime Victim's Rights Act to do all of the following:

- Include in Article 1 (which applies to felonies) a defendant who was found not guilty by reason of insanity.
- Apply certain notification requirements to a hospital or facility where a defendant was hospitalized or admitted (for mental health treatment).
- Add contributing to the neglect or delinquency of a minor, using the internet or a computer to make a prohibited communication, intentionally aiming a firearm without malice, and injuring a worker in a work zone to the offenses to which Article 2 (juvenile offenses) and Article 3 (serious misdemeanors) apply.
- Require, rather than allow, a court to order restitution under certain circumstances.
- Extend the Act's restitution provisions to a defendant who was assigned to youthful trainee status or received a delayed sentence or deferral of judgment.
- Require restitution for lost income of a victim's family member who left employment to care for a victim.
- Enact restitution provisions relating to scheduled payments, an amended order of restitution, the bankruptcy of a person ordered to pay restitution, and payments involving more than one proceeding.
- Require an order of restitution to require the defendant or juvenile to pay certain amounts to a parent, if the victim were a minor.
- Require the Department of Corrections (DOC), county sheriff, Department of Human Services, or county juvenile agency to deduct 50% of an amount over \$50 received by an offender in any month, for payment of restitution, if the offender were sentenced to prison or jail or were placed in a juvenile facility and ordered to pay restitution.
- Revise provisions that prohibit an offender from profiting from his or her crime.
- Require the DOC or county sheriff to notify a felony victim if an offender's probation were revoked and he or she were sentenced to more than 90 days' imprisonment.
- Require notification of oral arguments in appellate proceedings, rather than notification of all appellate proceedings.
- Eliminate a provision that allows a victim only one request for calculation of an offender's earliest release date.
- Exempt from the Freedom of Information Act a victim's oral or written statement to a parole board.

The bill also would rename the Act the "William Van Regenmorter Crime Victim's Rights Act". The bill would take effect January 1, 2006.

MCL 780.751 et al.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the bill would increase the level of restitution being paid, it could increase revenue in the Crime Victim's Rights Fund while also decreasing or delaying payments for fines, costs, assessments, and supervision fees, which support local libraries, courts, and law enforcement as well as the budgets for the Department of Corrections, the Michigan State Police, and the Judiciary. The bill also could potentially create additional administrative costs to local sheriffs, the Department of Corrections, and the Department of Community Health due to increased notification standards.

In addition, the bill could increase administrative costs to the Department of Corrections, the Department of Human Services, local sheriffs, and county juvenile agencies by requiring increased monitoring of offender accounts, collection of restitution payments, and sending of payments to victims.

Date Completed: 9-26-05

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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.