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Senate Bills 1616 and 1618 (as introduced 11-6-08)  
Sponsor: Senator Mark C. Jansen (S.B. 1616)  
Senator Patricia L. Birkholz (S.B. 1618)  
Committee: Judiciary

Date Completed: 11-12-08

## **CONTENT**

**Senate Bill 1616 would amend the juvenile code to increase the minimum costs that must be charged to a juvenile offender for deposit in the Justice System Fund.**

**Senate Bill 1618 would amend the Revised Judicature Act (RJA) to provide for the allocation of money from the Justice System Fund to the "Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund" (proposed by House Bill 5054 (H-1)) and revise other allocations from the Justice System Fund.**

The bills are tie-barred to each other and to House Bills 5054 and 5055. (House Bill 5054 (H-1) would create the "Sexual Assault Victims' Medical Forensic Intervention and Treatment Act" to establish the Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund and provide for its use and management. House Bill 5055 (H-1) would amend the Code of Criminal Procedure to increase the minimum costs that must be charged to a convicted person for deposit in the Justice System Fund.)

### **Senate Bill 1616**

The bill would increase the minimum costs the family division of circuit court (family court) must order a juvenile under 17 years old to pay if he or she is within the court's jurisdiction for a violation that would be a crime if committed by an adult, as shown in Table 1.

Table 1

Violation Level	Current Minimum Cost	Proposed Minimum Cost
Felony	\$60	\$65
Serious misdemeanor or specified misdemeanor	\$45	\$50
Other misdemeanor	\$40	\$45

("Felony" means a violation of Michigan penal law for which the offender may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony. "Serious misdemeanor" means that term as defined in Section 61 of the Crime Victim's Rights Act (MCL 780.811). "Specified misdemeanor" means that term as defined in Section 1 of the crime victim's rights services Act (MCL 780.901).)

Of the costs the family court orders paid, the court clerk must pay to the Justice System Fund the applicable amount specified as a minimum cost. On the last day of each month, the court clerk must transmit the minimum State cost or portions of the minimum State cost collected to the Department of Treasury for deposit in the Justice System Fund.

### **Senate Bill 1618**

The RJA requires the State Treasurer to allocate from the proceeds of the Justice System Fund an amount equal to \$10 multiplied by the number of civil infraction actions on which certain assessments are collected each month, to the Secondary Road Patrol and Training Fund. The bill would revise the distribution of the balance of the Justice System Fund remaining after that allocation, as shown in Table 2.

Table 2

Allocation from the Justice System Fund to:	Current Allocation	Proposed Allocation
Highway Safety Fund	24.8%	24.11%
Jail Reimbursement Program Fund	12.4%	12.05%
Michigan Justice Training Fund	12.4%	12.05%
Legislative Retirement System members' retirement fund	1.15%	1.12%
Drug Treatment Courts Fund	2.85%	2.77%
State Forensic Lab Fund	5.6%	5.44%
State Court Fund	13.3%	12.93%
Court Equity Fund	25.5%	24.79%
State Treasurer for monitoring of collection and distribution of Justice system Fund receipts	1%	1%
State Court Administrative Office for management assistance and audit of trial court collections	1%	1%
Proposed Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund	N/A	2.74%

MCL 712A.18m (S.B. 1616)  
600.181 (S.B. 1618)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

### **Senate Bill 1616**

Based on FY 2008-09 projections from the State Court Administrative Office, the fee increases contained in this bill and House Bill 5055 (H-1) would annually generate \$1.8 million.

### **Senate Bill 1618**

Although the bill would reduce the percentages of the amount of Justice System Fund revenue allocated to the funds listed in Table 2 above, recommended fee increases in other proposed legislation (Senate Bill 1616 and House Bill 5055 (H-1)) would hold the funds listed in Table 2 harmless from the proposed percentage reductions. Additionally, Senate Bill 1618 would provide funding equal to 2.74% of the funds remaining in the Justice System Fund after initial payment to the Road Patrol and Training Fund to the proposed Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund. Based on FY 2006-07 figures, the funds remaining in the Justice System Fund, including the proposed fee increases, after payment to the Road Patrol and Training Fund would be an estimated \$56.5 million. Of that amount, the bill would allocate an estimated \$1.55 million to the proposed Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund.

The bill would have no fiscal impact on local government.

Fiscal Analyst: Bill Bowerman  
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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.