



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 145 and 146 (as introduced 1-29-09)
Sponsor: Senator Jim Barcia (S.B. 145)
 Senator Alan L. Cropsey (S.B. 146)
Committee: Judiciary

Date Completed: 3-2-09

CONTENT

Senate Bills 145 and 146 would amend the Code of Criminal Procedure and the Crime Victim's Rights Act, respectively, to refer to the fair market value of damaged, lost, or destroyed property subject to restitution, and require the replacement value of the property to be used if the fair market value could not be determined or ascertained. The bills are tie-barred.

The Code of Criminal Procedure requires a court, when sentencing a defendant for a felony, misdemeanor, or ordinance violation, to order the defendant to make full restitution to any victim of the defendant's course of conduct that gives rise to the conviction or to the victim's estate. Likewise, under the Crime Victim's Rights Act, when a court sentences a defendant for a crime that is punishable by more than one year's imprisonment or that is expressly designated as a felony, provides a disposition for a juvenile for an offense that would be a crime if committed by an adult, or sentences a defendant for a misdemeanor punishable by imprisonment for not more than one year or a fine that is not a civil fine, the court must order the defendant or juvenile to make full restitution to any victim of the defendant's or juvenile's course of conduct that gives rise to the conviction or disposition or to the victim's estate.

Under both statutes, if a violation results in damage to or loss or destruction of a victim's property, or results in the seizure or impoundment of a victim's property, and return of the property is impossible, impractical, or inadequate, the order of restitution may require the defendant or juvenile to pay an amount equal to the greater of the following, less the value of the property or any part of it that is returned:

- The value of the property on the date of the damage, loss, or destruction.
- The value of the property on the date of sentencing.

The bills would refer to the fair market value of the property on those dates. If the fair market value of the property could not be determined or were impractical to ascertain, then the replacement value of the property would have to be used in lieu of the fair market value.

MCL 769.1a (S.B. 145)
780.752 et al. (S.B. 146)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

S0910\145sa

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.