

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 536

A bill to amend 1989 PA 196, entitled

"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,"

by amending sections 1 and 5 (MCL 780.901 and 780.905), section 1 as amended by 2008 PA 396 and section 5 as amended by 2010 PA 281.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commission" means the crime victim services commission
3 described in section 2 of 1976 PA 223, MCL 18.352.

4 (b) "Crime victim's rights services" means services required
5 to implement fully the William Van Regenmorter crime victim's

1 rights act, 1985 PA 87, MCL 780.751 to 780.834, and services
2 prescribed under this act.

3 (c) "Department" means the department of ~~management and budget~~
4 ~~of this state.~~ **COMMUNITY HEALTH.**

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

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

11 (f) "Juvenile offense" means an offense committed by a
12 juvenile under the jurisdiction of the juvenile division of the
13 probate court or the family division of circuit court under section
14 2(a)(1) of chapter XIIIA of the probate code of 1939, 1939 PA 288,
15 MCL 712A.2, that if committed by an adult would be a felony,
16 ~~serious misdemeanor, or a specified misdemeanor~~ **ORDINANCE**
17 **VIOLATION**, if the juvenile's case is not designated as a case in
18 which the juvenile is to be tried in the same manner as an adult.

19 ~~—— (g) "Serious misdemeanor" means that term as defined in~~
20 ~~section 61 of the William Van Regenmorter crime victim's rights~~
21 ~~act, 1985 PA 87, MCL 780.811.~~

22 ~~—— (h) "Specified misdemeanor" means a misdemeanor violation of~~
23 ~~any of the following:~~

24 ~~—— (i) Section 602a, 625(1) or (3), 626, or 904 of the Michigan~~
25 ~~vehicle code, 1949 PA 300, MCL 257.602a, 257.625, 257.626, and~~
26 ~~257.904.~~

27 ~~—— (ii) Section 82127(1) or (3) of the natural resources and~~

1 ~~environmental protection act, 1994 PA 451, MCL 324.82127.~~

2 ~~—— (iii) Section 81134(1) or (2) or 81135 of the natural resources~~
 3 ~~and environmental protection act, 1994 PA 451, MCL 324.81134 and~~
 4 ~~324.81135.~~

5 ~~—— (iv) Section 80176(1) or (3) of the natural resources and~~
 6 ~~environmental protection act, 1994 PA 451, MCL 324.80176.~~

7 ~~—— (v) Section 185 of the aeronautics code of the state of~~
 8 ~~Michigan, 1945 PA 327, MCL 259.185.~~

9 ~~—— (vi) Part 74 of the public health code, 1978 PA 368, MCL~~
 10 ~~333.7401 to 333.7461.~~

11 ~~—— (vii) Section 701 of the Michigan liquor control code of 1998,~~
 12 ~~1998 PA 58, MCL 436.1701.~~

13 ~~—— (viii) Section 353 or 355 of the railroad code of 1993, 1993 PA~~
 14 ~~354, MCL 462.353 and 462.355.~~

15 ~~—— (ix) Section 174, 218, 356, 356d, 359, 362, 362a, 377a, 380,~~
 16 ~~479a, 535, or 540e of the Michigan penal code, 1931 PA 328, MCL~~
 17 ~~750.174, 750.218, 750.356, 750.356d, 750.359, 750.362, 750.362a,~~
 18 ~~750.377a, 750.380, 750.479a, 750.535, and 750.540e.~~

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

21 Sec. 5. (1) The court shall order each person charged with an
 22 offense that is a felony, a ~~serious~~ misdemeanor, or a ~~specified~~
 23 ~~misdemeanor~~, **ORDINANCE VIOLATION** that is resolved by conviction, ~~by~~
 24 assignment of the defendant to youthful trainee status, ~~by a~~
 25 delayed sentence or deferred entry of judgment of guilt, or in
 26 another way that is not an acquittal or unconditional dismissal, to
 27 pay an assessment as follows:

1 (a) If the offense is a felony, \$130.00.

2 (b) If the offense is a misdemeanor **OR ORDINANCE VIOLATION**,
3 \$75.00.

4 (2) The court shall order a defendant to pay only 1 assessment
5 under subsection (1) per criminal case. Payment of the assessment
6 shall be a condition of a probation order entered under chapter XI
7 of the code of criminal procedure, 1927 PA 175, MCL 771.1 to
8 771.14a, or a parole order entered under section 36 of the
9 corrections code of 1953, 1953 PA 232, MCL 791.236.

10 (3) The court shall order each juvenile for whom the court
11 enters an order of disposition for a juvenile offense to pay an
12 assessment of \$25.00. The court shall order a juvenile to pay only
13 1 assessment under this subsection per case.

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

17 (5) If a defendant ordered to pay an assessment under this act
18 posted a cash bond or bail deposit in connection with the case, the
19 court shall order the assessment collected out of that bond or
20 deposit as provided in section 15 of chapter V and section 22 of
21 chapter XV of the code of criminal procedure, 1927 PA 175, MCL
22 765.15 and 775.22, or section 6 or 7 of 1966 PA 257, MCL 780.66 and
23 780.67.

24 (6) If a person is subject to any combination of fines, costs,
25 restitution, assessments, or payments arising out of the same
26 criminal or juvenile proceeding, money collected from that person
27 for the payment of fines, costs, restitution, assessments, or other

1 payments shall be allocated as provided in section 22 of chapter XV
2 of the code of criminal procedure, 1927 PA 175, MCL 775.22, or
3 section 29 of chapter XIIA of the probate code of 1939, 1939 PA
4 288, MCL 712A.29.

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

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

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

17 (i) The name of the court.

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

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

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

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

25 (vi) Other information required by the department.

26 Enacting section 1. This amendatory act takes effect April 1,
27 2012.

1 Enacting section 2. This amendatory act does not take effect
2 unless all of the following bills of the 96th Legislature are
3 enacted into law:

4 (a) Senate Bill No. 535.

5 (b) Senate Bill No. 537.

6 (c) Senate Bill No. 538.