

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 536

AN ACT 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:

Sec. 1. As used in this act:

- (a) "Commission" means the crime victim services commission described in section 2 of 1976 PA 223, MCL 18.352.
- (b) "Crime victim's rights services" means services required to implement fully the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, and services prescribed under this act.
- (c) "Department" means the department of community health.
- (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 the probate code of 1939, 1939 PA 288, MCL 712A.2, that if committed by an adult would be a felony, misdemeanor, or ordinance violation, 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.

Sec. 5. (1) The court shall order each person charged with an offense that is a felony, misdemeanor, or ordinance violation that is resolved by conviction, assignment of the defendant to youthful trainee status, a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, to pay an assessment as follows:

- (a) If the offense is a felony, \$130.00.
- (b) If the offense is a misdemeanor or ordinance violation, \$75.00.
- (2) The court shall order a defendant to pay only 1 assessment under subsection (1) 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, 1927 PA 175, MCL 771.1 to 771.14a, or a parole order entered under section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236.
- (3) The court shall order each juvenile for whom the court enters an order of disposition for a juvenile offense to pay an assessment of \$25.00. The court shall order a juvenile to pay only 1 assessment under this subsection per case.

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

(5) 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, 1927 PA 175, MCL 765.15 and 775.22, or section 6 or 7 of 1966 PA 257, MCL 780.66 and 780.67.

(6) 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 the code of criminal procedure, 1927 PA 175, MCL 775.22, or section 29 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.29.

(7) 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.

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

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

(a) Senate Bill No. 535.

(b) Senate Bill No. 537.

(c) Senate Bill No. 538.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor