



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



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

Senate Bills 987, 988, and 989 (as reported without amendment)
Sponsor: Senator John Pappageorge
Committee: Judiciary

CONTENT

The bills would amend various statutes to prohibit a court from ordering a juvenile offender's parent, or the parent's spouse, to pay restitution or reimburse other costs if the parent were the victim of the juvenile offense for which the payment was ordered.

The bills specify that they would be retroactive and apply to orders entered before their effective dates.

Senate Bill 987 would amend the Crime Victim's Rights Act, which requires the court to order a juvenile offender to make full restitution to any victim of the juvenile's conduct, or to the victim's estate. The court also must order restitution to the Crime Victim Services Commission or to any individual or other legal entity that has compensated the victim or the victim's estate for a loss. In addition, the court must order restitution for the costs of services provided to people or entities that have provided services to the victim as a result of the offense. If the court determines that a juvenile is or will be unable to pay all of an ordered restitution amount, after notice to the juvenile's parent or parents and an opportunity for them to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the offense to pay any outstanding portion of the restitution.

The bill would prohibit the court from ordering a juvenile offender's parent, or the parent's spouse with whom the parent lived, to pay restitution if that parent were the victim of the juvenile offense for which restitution was ordered.

Senate Bill 988 would amend the juvenile code, which requires an order of disposition placing a juvenile in or committing a juvenile to care outside of his or her own home and under State, county, or court supervision, to provide for reimbursement by the juvenile, parent, guardian, or custodian for the cost of care or service. If the court appoints an attorney to represent a juvenile, parent, guardian, or custodian, the court may require that person to reimburse the court for attorney fees. If the court finds that a juvenile violated a State penal law or violated a local ordinance punishable by imprisonment or by a penal fine, the court must order the juvenile or his or her parent to pay restitution under the Crime Victim's Right's Act.

The bill would prohibit the court from ordering a juvenile offender's parent, or the parent's spouse with whom the parent lived, to pay for the reimbursement of costs or fees or to pay restitution if that parent were the victim of the juvenile offense for which restitution was ordered.

In addition, in the case of a delinquent account in the reimbursement for costs of care or service, the court may enter an order to intercept State or Federal tax refunds of a juvenile, parent, guardian, or custodian and initiate the necessary offset proceedings to recover the

cost of care or service. Under the bill, this provision would apply unless the parent, guardian, or custodian was the victim of the offense from which the delinquent account arose.

Senate Bill 989 would amend the Code of Criminal Procedure, which requires an order committing a juvenile offender to an agency or institution for youth rehabilitation services, to provide for the juvenile and/or those responsible for his or her support to reimburse the cost of care or service. Also, if the court appoints an attorney to represent a juvenile, the court order may require the juvenile or the person responsible for his or her support, or both, to reimburse the court for attorney fees.

The bill would prohibit the court from ordering a juvenile offender's parent, or the parent's spouse with whom the parent lived, to pay reimbursement if the parent were the victim of the offense for which reimbursement was ordered.

In addition, in the case of a delinquent account in the reimbursement for costs of commitment, the court may enter an order to intercept State tax refunds or the Federal income tax refund of a child, parent, guardian, or custodian and initiate the necessary offset proceedings in order to recover the cost of care or service. Under the bill, this provision would apply if the parent, guardian, or custodian were not the victim of the offense from which the delinquent account arose.

MCL 780.794 & 780.795 (S.B. 987)
712A.18 et al. (S.B. 988)
769.1 (S.B. 989)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Date Completed: 9-19-14

Fiscal Analyst: John Maxwell

Floor\sb987

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.