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Senate Bills 987, 988, and 989 (as introduced 6-11-14)
Sponsor: Senator John Pappageorge
Committee: Judiciary

Date Completed: 9-16-14

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; Senate Bill 988 would amend the juvenile code; and Senate Bill 989 would amend the Code of Criminal Procedure.

Senate Bill 987

Under the Crime Victim's Rights Act, the court must order a juvenile offender, in addition to or in lieu of any other disposition or penalty, to make full restitution to any victim of his or her course of conduct that gives rise to the disposition or conviction, or to the victim's estate. The court must order restitution to the Crime Victim Services Commission or to any individuals, partnerships, corporations, associations, governmental entities, or other legal entities that have compensated the victim or the victim's estate for a loss incurred by the victim to the extent of the compensation paid for that loss. The court also 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 not otherwise provided by the court, restitution must be made immediately, but the court may require the juvenile to make restitution within a specified period or in specified installments.

If the court determines that the juvenile is or will be unable to pay all of the restitution, 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. In determining whether to order the juvenile's parent to pay restitution, the court must consider the parent's financial resources and other factors.

The bill would prohibit a court from ordering the juvenile'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

Under the juvenile code, 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 must contain a provision 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 the juvenile, parent, guardian, or custodian to reimburse the court for attorney fees. Also, if the court finds that a juvenile committed a violation of State penal law or a violation of 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 as provided in the code and in the Crime Victim's Rights Act. In determining whether to order the juvenile's supervisory parent to pay restitution, the court must consider the parent's financial resources and other factors. The bill would prohibit a court from ordering the juvenile'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 in order to recover the cost of care or service. Under the bill, this provision would apply except if the parent, guardian, or custodian were the victim of the offense from which the delinquent account arose.

Under the juvenile code, if the court determines that the juvenile is or will be unable to pay all of the restitution, after notice to the juvenile's parent and an opportunity for the parent to be heard, the court may order the parent or parents having supervisory responsibility for the juvenile at the time of the juvenile offense to pay any outstanding portion of the restitution. The bill specifies that the court could not order the juvenile'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 989

Under the Code of Criminal Procedure, if a juvenile offender is committed to an agency or institution for youth rehabilitation services, the order of commitment must contain a provision for the reimbursement by the juvenile or those responsible for the juvenile's support, or both, for the cost of care or service. Also, if the court appoints an attorney to represent a juvenile, an order may require the juvenile or person responsible for the juvenile's support, or both, to reimburse the court for attorney fees. Under the bill, however, the court could not order the juvenile'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 the 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.

Fiscal Analyst: John Maxwell

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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.