

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Slagh, Kahle, Posthumus, Tyrone Carter and Calley

ENROLLED HOUSE BILL No. 4675

AN ACT to amend 1976 PA 223, entitled "An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties," by amending sections 5, 10, and 12 (MCL 18.355, 18.360, and 18.362), sections 5 and 10 as amended by 2008 PA 390, and section 12 as amended by 1996 PA 519, and by adding section 16a.

The People of the State of Michigan enact:

Sec. 5. (1) A claim may be filed by the person eligible to receive an award, a personal representative of the person eligible to receive an award, or, if a person is a minor, by his or her parent or guardian.

(2) Except as provided in subsection (3), a claim must be filed by the claimant not later than 5 years after the occurrence of the crime upon which the claim is based, except as follows:

(a) If either of the following applies, a claim based on the crime of criminal sexual conduct in the first, second, or third degree may be filed by a claimant not later than 5 years after the crime was reported:

(i) Police records show the victim of the crime was less than 18 years of age at the time of the occurrence and the victim reported the crime before attaining 28 years of age.

(ii) Police records show the victim of the crime was less than 18 years of age at the time of the occurrence, the victim reported the crime after attaining 28 years of age, and the claimant shows that there was good cause for the delay in reporting the crime.

(b) A claim may be filed within 5 years after the discovery by a law enforcement agency that injuries previously determined to be accidental, of unknown origin, or resulting from natural causes, were incurred as the result of a crime.

(3) Upon petition by the claimant and for good cause shown, the commission may extend the period in which a claim may be filed under subsection (2).

(4) An application for an award under this act must be made on a form approved by the commission. A claim must be filed in the commission's office in person or by mail, or be filed by electronic means authorized by the commission, if available. The commission shall accept for filing a claim that is submitted by a person who is eligible, alleges the jurisdictional requirements set forth in this act, and meets the requirements as to form as approved by the commission. If the commission receives sufficient documentation to make a determination on whether to grant an award for at least 1 expense or loss submitted as part of a claim, the commission shall promptly make a determination on whether to grant an award for each expense or loss for which the commission has received sufficient documentation to make that determination. The commission may not require as a condition of making a determination or award that a claimant must submit sufficient documentation for all losses and expenses that will be submitted as part of a claim. On the receipt of sufficient documentation for any additional eligible expense or loss that is part of a claim, the commission shall make a determination regarding that expense or loss.

(5) The commission may inquire with the proper law enforcement authorities, including the prosecuting attorney of the county in which the crime is alleged to have occurred, as part of an investigation of a claim filed with the commission.

Sec. 10. The commission shall not grant an award unless the investigation of the claim verifies the following facts:

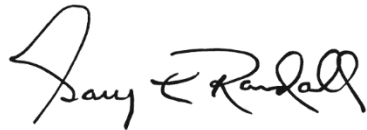
- (a) A crime was committed.
- (b) The crime directly resulted in injury to the victim or intervenor.
- (c) Police records show that the crime was reported to the proper authorities.
- (d) That the crime did not occur while the victim was confined in a federal, state, or local correctional facility.

Sec. 12. An award for each covered expense or loss must be paid in a lump sum, except that for payments to health care providers under section 5a or in the case of death or protracted disability, the commission may specify that the award shall provide for periodic payments to compensate for out-of-pocket expenses, or loss of earnings or support. An award made pursuant to this act shall not be subject to execution or attachment other than for expenses resulting from the personal injury that is the basis for the claim. Any court of record, in establishing sentence for a felon convicted of a crime resulting in awards paid under this section, may impose a condition that the sentence include a method for reimbursement to the state, within the ability of the felon to comply, of the costs paid under this act to a victim of a crime for which the conviction was made. The reimbursement will be paid into the general fund of the state. The condition of reimbursement may include a provision relating suspension or probation to reimbursement or may be in lieu of other sentencing and shall be enforceable by the court to the degree that failure to meet the terms of reimbursement may be cause for reversion to an alternate sentence or to completion of an unfinished sentence.

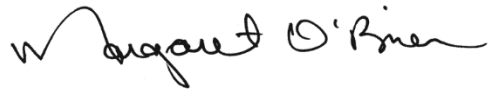
Sec. 16a. The amendatory act that added this section applies to claims submitted on or after the effective date of the amendatory act.

Enacting section 1. This amendatory act takes effect 450 days after the date it is enacted into law and applies to claims submitted on or after the effective date.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor