CRIME VICTIMS RIGHTS SERVICES

Act 196 of 1989

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.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997

The People of the State of Michigan enact:

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780.901 Definitions.

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.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 26, Eff. May 1, 1996 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997 ;-- Am. 2008, Act 396, Imd. Eff. Dec. 29, 2008 ;-- Am. 2011, Act 294, Eff. Apr. 1, 2012

780.902 Criminal assessments commission; transfer of powers, duties, and jurisdiction to crime victim services commission.

Sec. 2.

The criminal assessments commission formerly created under this act is abolished. Its powers, duties, and jurisdiction are transferred to the crime victim services commission.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997

780.903 Crime victim services commission; duties.

Sec. 3.

The commission shall do all of the following:

(a) Investigate and determine the amount of revenue needed to pay for crime victim's rights services.

(b) Investigate and determine an appropriate assessment amount to be imposed against convicted criminal defendants and juveniles for whom the probate court or the family division of circuit court enters orders of disposition for juvenile offenses to pay for crime victim's rights services.

(c) By December 31 of each year, report to the governor, the secretary of the senate, the clerk of the house of representatives, and the department the commission's findings and recommendations under this section.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997

780.904 Crime victim's rights fund; creation; investment; expenditures; use of additional excess revenue; report regarding minor crime victims receiving crime victim compensation; "minor crime victim" defined.

Sec. 4.

(1) The crime victim's rights fund is created as a separate fund in the state treasury. The state treasurer shall credit to the fund all amounts received under this act and as provided by law. The state treasurer shall invest fund money in the same manner as surplus funds are invested under section 3 of 1855 PA 105, MCL 21.143. Earnings from the fund must be credited to the fund.

(2) The fund must be expended only as provided in this act. Amounts in the fund in excess of the necessary revenue needed to pay for crime victim's rights services as determined by the commission under section 3(a) may be used for crime victim compensation under 1976 PA 223, MCL 18.351 to 18.368, including compensation to minor crime victims. Until September 30, 2022, additional excess revenue of not more than $3,500,000.00 that has not been used for crime victim compensation may be used to provide for establishment and maintenance of a statewide trauma system, including staff support associated with trauma and related emergency medical services program activities.

(3) Beginning December 31, 2017 and annually after that date, the department shall report all of the following regarding minor crime victims who received crime victim compensation under this section to the legislature:

(a) The number of minor crime victims who received compensation.

(b) The age, gender, and geographic location of minor crime victims who received compensation.

(c) Whether the compensation was used for counseling or other services.

(d) If the compensation was used for counseling, whether the minor crime victim received the counseling during a 1-time visit or over the course of multiple visits.

(4) As used in this section, "minor crime victim" means a crime victim who is less than 18 years of age.

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History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1997 ;-- Am. 2008, Act 396, Imd. Eff. Dec. 29, 2008 ;-- Am. 2010, Act 202, Imd. Eff. Oct. 5, 2010 ;-- Am. 2010, Act 280, Eff. Apr. 1, 2011 ;-- Am. 2014, Act 299, Imd. Eff. Oct. 3, 2014 ;-- Am. 2015, Act 9, Eff. June 30, 2015 ;-- Am. 2017, Act 15, Eff. June 29, 2017 ;-- Am. 2018, Act 221, Eff. Sept. 24, 2018 ;-- Am. 2021, Act 89, Imd. Eff. Oct. 7, 2021

780.905 Payment and use of assessments; order; duties of clerk of court.

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.

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(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.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 1996, Act 344, Imd. Eff. June 27, 1996 ;-- Am. 1996, Act 520, Imd. Eff. Jan. 13, 1996 ;-- Am. 2005, Act 315, Eff. Jan. 1, 2006 ;-- Am. 2010, Act 281, Imd. Eff. Dec. 16, 2010 ;-- Am. 2011, Act 294, Eff. Apr. 1, 2012

780.906 Service and funding levels; disbursements; adjustments; application for compensation for cost of services; administrative costs.

Sec. 6.

(1) The department shall establish service and funding levels for the courts, departments, and local agencies that receive money under this act.

(2) A disbursement to cover the funding level established by the department shall be annually distributed to eligible departments and local agencies.

(3) If the amount retained by the clerk of a court pursuant to section 5(7) is less than the service and funding level for the court established under subsection (1), a disbursement to cover the difference between the amount retained and the funding level established by the department shall be annually distributed to an eligible court.

(4) A department or local agency that provides crime victim's rights services may apply quarterly to the department for an adjustment to the funding level established pursuant to subsection (1). The application shall be on a form provided by the department. The department shall disburse an adjustment to the funding level to an eligible department or local agency.

(5) A court that provides crime victim's rights services may apply annually to the department for compensation for the cost of those services to that court in excess of the greater of the amount retained under section 5(7) or the funding level for the court established pursuant to subsection (1). The application shall be on a form provided by the department.

(6) The department shall compensate units of government for the actual and reasonable administrative costs incurred by those units of government under this act.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 2005, Act 315, Eff. Jan. 1, 2006

780.907 Disbursements for crime victim's rights services; priority; financial incentive programs; administrative costs.

Sec. 7.

(1) The department shall direct and authorize the state treasurer in writing to disburse money from the fund to pay for crime victim's rights services as required under this act. The department may direct and authorize the state treasurer in writing to disburse money from the fund to pay for crime victims' compensation as provided in section 4(2).

(2) The department shall make the implementation of crime victim's rights a priority, and may develop financial incentive programs to enhance the delivery of crime victim's rights services under this act.

(3) The department shall make disbursements under this act to the treasurer of a unit of government, and the treasurer shall transmit that money to courts, departments, and local

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agencies within that unit of government as the department directs. The department may withhold a distribution to a unit of government until the treasurer of that unit of government has distributed all previous disbursements made by the department to courts, departments, and local agencies within that unit of government.

(4) The department shall receive disbursements for its administrative costs as authorized by appropriation.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994

780.908 Using distribution to maintain or enhance crime victim's rights services.

Sec. 8.

A court, department, or local agency that receives a distribution under this act shall use that distribution to maintain or enhance crime victim's rights services.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994 ;-- Am. 2008, Act 396, Imd. Eff. Dec. 29, 2008

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780.909 Annual estimate of cost and revenue; notice to legislature; covering estimated shortfall.

Sec. 9.

The department shall annually estimate the cost of providing crime victim's rights services and the estimated revenue to be received by the crime victim's rights fund. If the estimated revenue is projected to be insufficient to cover the estimated costs of totally funding crime victim's rights services, the department shall notify the legislature and determine whether to request an appropriation or budget transfer to cover the estimated shortfall.

History: 1989, Act 196, Eff. Oct. 30, 1989 ;-- Am. 1993, Act 345, Eff. May 1, 1994

780.910 Rules.

Sec. 10.

The department may promulgate rules to implement this act.

History: 1989, Act 196, Eff. Oct. 30, 1989

780.911 Effective date.

Sec. 11.

This act shall take effect upon the expiration of 60 days after the date of its enactment.

History: 1989, Act 196, Eff. Oct. 30, 1989