



**House  
Legislative  
Analysis  
Section**

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**CRIME VICTIM RIGHTS FUND  
RECEIVED**

**House Bill 4869** as enrolled  
First Analysis (8-28-89)

**OCT 19 1989**

**Sponsor: Rep. William Van Regenmortel, State Law Library**  
**House Committee: Appropriations**  
**Senate Committee: Appropriations**

***THE APPARENT PROBLEM:***

Ballot Proposal B, approved by the voters in the 1988 general election, placed in the Michigan constitution various rights of crime victims paralleling rights that had until then been provided by statute. The proposal also stated that the legislature could provide for an assessment against convicted defendants to pay for the costs of recognizing crime victims' rights. Legislation creating such an assessment has been developed.

***THE CONTENT OF THE BILL:***

The bill would create a new public act to require courts to order people convicted of certain crimes to pay assessments. For someone convicted of a felony, the assessment would be \$30; someone convicted of a serious misdemeanor (as defined in the Crime Victim's Rights Act) or impaired or intoxicated driving would be ordered to pay \$20. The money would go into a state fund to be spent on reimbursing courts and local units of government for their costs of implementing the Crime Victim's Rights Act, and on restitution services provided under the crime victims compensation act. The bill would take effect 60 days after its enactment.

Collection, transmittal and reports. If the court allowed the defendant to pay fines or other obligations in installments, the bill's assessment would have to be collected at the time of the first installment. Each month, the clerk of the court would have to transmit assessments to the Department of Treasury, and send to the Department of Management and Budget (DMB) a report detailing the court's number of criminal convictions, the number of defendants against whom an assessment was imposed, the total amount of assessments imposed by the court, the total amount of assessments collected, and any other information required by the department.

Compensation for costs. A court, department, or local agency that provided services to implement constitutionally-expressed crime victim rights could apply quarterly to the DMB for compensation for the cost of those services. The department would be required to compensate courts and units of government for actual and reasonable costs incurred under the bill.

Service and funding levels, disbursements. The DMB would establish minimum service and funding levels for courts, departments, and local agencies that receive funds under this act. A disbursement to cover the minimum funding level would annually be distributed to eligible courts, departments, and local agencies. Costs for crime victims rights services beyond the minimum funding level would be reimbursed as provided above for "compensation for costs." The DMB could develop financial incentive programs to "enhance" the delivery of crime victim rights services under the bill.

Disbursements would be made to local treasurers, who in turn would distribute the money to courts, departments, and local agencies, as directed by the DMB. The state could withhold a distribution until a treasurer has distributed all previous disbursements. The DMB would receive disbursements for its administrative costs as authorized by appropriation.

A court, department, or local agency that received money under the bill would have to use that money to "enhance and increase crime victim rights services", not to supplant other funds available for services to crime victims.

Shortfalls. The DMB annually would estimate the cost of providing crime victim rights services and the revenue to be received from the crime victim rights fund being created by the bill. If estimated revenue was insufficient to cover estimated costs of "totally" funding crime victim rights services, the DMB would notify the legislature and determine whether to request an appropriation or budget transfer to cover the estimated shortfall.

Commission. A criminal assessments commission would be created to determine the amount of money needed for victim services, along with the assessment amount necessary to adequately fund those services. The commission would consist of a representative of the judiciary, a county prosecuting attorney, a representative of the interests of crime victims, a law enforcement officer, a representative of the interests of criminal defendants, and the director of the DMB or his or her representative. The commission would annually report its findings and recommendations to the governor, the legislature, and the DMB.

***FISCAL IMPLICATIONS:***

The Department of Management and Budget estimates that the bill would generate about \$1 million annually. (8-28-89)

***ARGUMENTS:***

***For:***

It is widely held that criminals should pay for their crimes, and a particularly fitting way of achieving this aim is to have criminals pay assessments used to fund programs aiding victims of crime. Strong public support for victim programs and for a criminal assessment was reflected in the overwhelming endorsement that voters gave Proposal B last November. The bill proposes a reasonable system of criminal assessments: moderate but not insubstantial figures that would be regularly reviewed by an impartial commission.

***Against:***

The bill suffers from a number of flaws, among them ambiguity and vagueness. The bill does not say when a defendant would have to pay the assessment, how it is to

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be collected, or what would happen to a defendant who could not pay. Provisions for the distribution of collected assessments are murky. There is no provision for staffing and expenses of the commission proposed for the bill, yet such a commission would surely drain funding and staff time from victim services, with uncertain benefit: the commission is charged with duties that can adequately be fulfilled by departmental staff. Finally, even if collections of assessments do not meet expectations, the existence of the assessments could provide a rationale to reduce general fund support for victim programs to the point where programs could be cut back.