

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Senate Bill 1070

Sponsor: Senator Jack Welborn

Committee: Criminal Justice and Urban Affairs

Date Completed: 9-18-90

RECEIVED**OCT 24 1990**SUMMARY OF SENATE BILL 1070 as introduced 9-12-90:

Mich. State Law Library

The bill would amend the crime victim's compensation Act to do the following:

- Provide that a claim could be filed within one year after a law enforcement agency discovered that injuries previously determined to be accidental, of unknown origin, or resulting from natural causes, were incurred as the result of a crime.
- Revise the definition of "crime" to include an act committed in another state that, if committed in this State, would constitute a crime under Michigan or U.S. laws, and that caused an injury in this State or caused an injury to a Michigan resident within a state that did not have a victim compensation program for which the victim was eligible.
- Include victims' grandparents and grandchildren among persons eligible for an award under the Act.
- Extend eligibility under the Act to a victim living in the same household with the criminally responsible person. (Currently, such victims are ineligible except to the extent that actual out-of-pocket expenses may be paid directly to a medical care provider by the Crime Victims Compensation Board. Unrelated domestic employees also are eligible.)
- Require the Board to deny the payment of an award if the Board determined that the payment would cause substantial unjust enrichment and economic benefit to a person criminally responsible for the crime.
- Increase from \$100 per week to \$200 per week the maximum amount of an award for loss of earnings or support.
- Provide that an award made for funeral expenses, including burial costs, could not be less than \$200 or more than \$2,000 for each victim.
- Include replacement services in the definition of "out-of-pocket loss", and define "replacement services" as homemaking tasks, child care, transportation, and other services previously performed by the victim that, because of the victim's injury, must temporarily or permanently be performed by another person. (The Act provides that an award cannot exceed the amount of an out-of-pocket loss, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury, plus loss of earnings or support resulting from the injury.)

MCL 18.351 et al.

Legislative Analyst: S. Margules

S.B. 1070 (9-18-90)

FISCAL IMPACT

The bill would result in increased costs to the crime victim's compensation fund of approximately \$230,000 per year. These costs would be covered by existing GF/GP and Federal funds, which for FY 1990-91 total \$2.4 million (\$1.7 million GF/GP; \$700,000 Federal). The bill's provision that would increase the maximum burial cost payment that is currently limited to \$1,500, as determined by rule, to \$2,000, by statute, would cost the fund an estimated \$100,000 for the 300 such payments made in an average year.

The bill's provision to increase the maximum weekly lost earnings or support awards from \$100 to \$200 would cost the fund approximately \$130,000 for the average 2,600 weeks of support payments a year that would rise in cost about \$50 per week.

Fiscal Analyst: B. Baker

S8990\S1070SA

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.