

Act No. 247
Public Act of 1989
December 28, 1989
Filed by the Secretary of State
December 28, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Nye, Walberg, Clack, Van Regenmorter and Hoffman

ENROLLED HOUSE BILL No. 4886

AN ACT to amend section 11 of Act No. 223 of the Public Acts of 1976, entitled "An act to create the crime victims compensation board; 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," as amended by Act No. 157 of the Public Acts of 1985, being section 18.361 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 11 of Act No. 223 of the Public Acts of 1976, as amended by Act No. 157 of the Public Acts of 1985, being section 18.361 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 11. (1) An award made pursuant to this act shall be an amount not more than an out-of-pocket loss, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based, together with loss of earnings or support resulting from the injury. The aggregate award under this act shall not exceed \$15,000.00 per claimant.

(2) An award made for loss of earnings or support, unless reduced pursuant to this act, shall be in an amount equal to the actual loss sustained. An award shall not exceed \$100.00 for each week of lost earnings or support.

(3) An award shall be reduced by the amount of a payment received or to be received as a result of the injury:

(a) From or on behalf of the person who committed the crime.

(b) From insurance, but not including disability or death benefits paid or to be paid to a peace officer, or a corrections officer, on account of injuries sustained in the course of employment.

(c) From public funds, but not including disability or death benefits paid or to be paid to a peace officer, or a corrections officer, on account of injuries sustained in the course of employment.

(d) From an emergency award pursuant to section 9.

(4) The board shall determine whether the claimant contributed to the infliction of his or her injury and shall reduce the amount of the award or reject the claim altogether, in accordance with the determination. The board may disregard for this purpose the responsibility of the claimant for his or her own injury where the record shows that the injury was attributable to efforts by the claimant to prevent a crime or an attempted crime from occurring in his or her presence or to apprehend a person who had committed a crime in his or her presence.

(5) If the board finds that the claimant will not suffer serious financial hardship as a result of the loss of earnings or support and the out-of-pocket expenses incurred as a result of the injury if not granted financial assistance, the board shall deny the award. In determining the serious financial hardship, the board shall consider all of the financial resources of the claimant.

(6) If at any time after March 31, 1977, a person's claim was denied, or an award to the person was reduced, under this act because a disability or death benefit was paid or was to be paid to a corrections officer as a result of an injury sustained in the course of employment, both of the following shall apply:

(a) The person whose claim was denied or whose award was reduced may file a new claim under this act for the award or the part of the award that was denied for the reason described in this subsection, within 1 year after the effective date of the amendatory act that added this subsection.

(b) The board shall grant to the person who files a claim under subdivision (a) an award in the full amount prescribed under subsection (1) if the person's claim was previously denied, or in the amount by which the previous award was reduced if the person was previously granted a reduced award.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.