

# HOUSE BILL No. 4197

February 16, 1989, Introduced by Reps. Ciaramitaro and Hollister and referred to the Committee on Judiciary.

A bill 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:

1       Section 1. Section 11 of Act No. 223 of the Public Acts of  
2 1976, as amended by Act No. 157 of the Public Acts of 1985, being  
3 section 18.361 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 11. (1) An award made pursuant to this act shall be  
6 an amount not more than an out-of-pocket loss ~~, including~~  
7 ~~indebtedness reasonably incurred for medical or other services~~

1 ~~necessary as a result of the injury upon which the claim is~~  
2 ~~based,~~ together with loss of earnings or support resulting from  
3 the injury. The aggregate award under this act shall not exceed  
4 \$15,000.00 per claimant.

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

9 (3) An award shall be reduced by the amount of a payment  
10 received or to be received as a result of the injury FROM OR ON  
11 BEHALF OF 1 OR MORE OF THE FOLLOWING:

12 (a) ~~From or on behalf of the~~ THE person who committed the  
13 crime.

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

17 (c) ~~From public~~ PUBLIC funds, INCLUDING MEDICAL SERVICES  
18 RECEIVED PURSUANT TO THE MEDICAL ASSISTANCE PROGRAM ESTABLISHED  
19 UNDER THE SOCIAL WELFARE ACT, ACT NO. 280 OF THE PUBLIC ACTS OF  
20 1939, BEING SECTIONS 400.1 TO 400.121 OF THE MICHIGAN COMPILED  
21 LAWS, but not including disability or death benefits paid or to  
22 be paid to a peace officer on account of injuries sustained in  
23 the course of employment OR MEDICAL SERVICES RECEIVED FROM A RES-  
24 IDENT COUNTY HOSPITALIZATION PROGRAM ESTABLISHED UNDER ACT  
25 NO. 280 OF THE PUBLIC ACTS OF 1939.

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

1 (4) AN AWARD OR A PORTION OF AN AWARD MAY BE PAID DIRECTLY  
2 TO A HEALTH CARE PROVIDER PARTICIPATING IN A RESIDENT COUNTY  
3 HOSPITALIZATION PROGRAM ESTABLISHED UNDER ACT NO. 280 OF THE  
4 PUBLIC ACTS OF 1939 FOR MEDICAL SERVICES RENDERED TO A CLAIMANT.  
5 THE BOARD SHALL NOT MAKE A PAYMENT TO A HEALTH CARE PROVIDER  
6 UNTIL IT HAS DETERMINED WHETHER THE HEALTH CARE PROVIDER HAS BEEN  
7 PAID FOR MEDICAL SERVICES UNDER THE RESIDENT COUNTY HOSPITALIZA-  
8 TION PROGRAM, IN WHICH CASE THE BOARD SHALL MAKE THE PAYMENT TO  
9 THE RESIDENT COUNTY HOSPITALIZATION PROGRAM.

10 (5) ~~-(4)-~~ The board shall determine whether the claimant  
11 contributed to the infliction of his or her injury and shall  
12 reduce the amount of the award or reject the claim altogether, in  
13 accordance with the determination. The board may disregard for  
14 this purpose the responsibility of the claimant for his or her  
15 own injury where the record shows that the injury was attribut-  
16 able to efforts by the claimant to prevent a crime or an  
17 attempted crime from occurring in his or her presence or to  
18 apprehend a person who had committed a crime in his or her  
19 presence.

20 (6) ~~-(5)-~~ If the board finds that the claimant will not  
21 suffer serious financial hardship as a result of the loss of  
22 earnings or support and the out-of-pocket expenses incurred as a  
23 result of the injury if not granted financial assistance, the  
24 board shall deny the award. In determining the serious financial  
25 hardship, the board shall consider all of the financial resources  
26 of the claimant.