

# HOUSE BILL No. 4869

May 25, 1989, Introduced by Reps. Van Regenmorter and Richard A. Young and referred to the Committee on Appropriations.

A bill to create the criminal assessments commission; to prescribe the duties of the commission; to create the crime victim rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants; to provide for payment of crime victim rights services; and to prescribe the powers and duties of certain state and local agencies and departments.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. As used in this act:

2       (a) "Commission" means the criminal assessments commission  
3 created under section 2.

4       (b) "Crime victim rights services" means services required  
5 to implement the crime victims rights act, Act No. 87 of the  
6 Public Acts of 1985, being sections 780.751 to 780.834 of the  
7 Michigan Compiled Laws, and restitution services provided under

1 Act No. 223 of the Public Acts of 1976, being sections 18.351 to  
2 18.368 of the Michigan Compiled Laws.

3 (c) "Department" means the department of management and  
4 budget of this state.

5 (d) "Fund" means the crime victim rights fund created under  
6 section 4.

7 Sec. 2. (1) The criminal assessments commission is created  
8 within the department.

9 (2) The commission shall consist of the following members  
10 appointed by the governor with the advice and consent of the  
11 senate:

12 (a) One person who represents the interests of the  
13 judiciary.

14 (b) One person who is a county prosecuting attorney.

15 (c) One person who represents the interests of crime  
16 victims.

17 (d) One person who is a law enforcement officer.

18 (e) One person who represents the interests of criminal  
19 defendants.

20 (f) The director of the department or his or her  
21 representative.

22 Sec. 3. The criminal assessments commission shall do all of  
23 the following:

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

26 (b) Investigate and determine an appropriate assessment  
27 amount to be imposed against convicted criminal defendants to

1 adequately pay for crime victim rights services under section 24  
2 of article I of the state constitution of 1963.

3 (c) By December 31 of each year, report to the governor, the  
4 secretary of the senate, the clerk of the house of representa-  
5 tives, and to the department the commission's findings and recom-  
6 mendations under this section.

7 Sec. 4. The crime victim rights fund is created as a sepa-  
8 rate fund in the state treasury. The fund shall be expended only  
9 as provided in this act. The state treasurer shall credit to the  
10 fund all amounts received under section 5. The state treasurer  
11 shall invest fund money in the same manner as surplus funds are  
12 invested under section 143 of Act No. 105 of the Public Acts of  
13 1855, being section 21.143 of the Michigan Compiled Laws.  
14 Earnings from the fund shall be credited to the fund.

15 Sec. 5. (1) In addition to any other fine or cost imposed,  
16 the court shall assess a fee of \$15.00 against each person con-  
17 victed of a felony or misdemeanor. If the court allows the pay-  
18 ment of fines, costs, restitution, probation oversight fees, or  
19 any other obligations of the defendant to be paid in install-  
20 ments, the \$15.00 fee provided for in this section shall be col-  
21 lected at the time of the first installment payment. The fee  
22 shall be used to pay for crime victim rights services under sec-  
23 tion 24 of article I of the state constitution of 1963 as pro-  
24 vided under this act.

25 (2) The clerk of the court shall, on the last day of each  
26 month, do both of the following:

1 (a) Transmit all of the assessments received under  
2 subsection (1) to the department of treasury with a written  
3 report of those assessments as prescribed by the department of  
4 treasury.

5 (b) Transmit a written report to the department, on a form  
6 prescribed by the department, containing all of the following  
7 information for that month:

8 (i) The name of the court.

9 (ii) The total number of criminal convictions obtained in  
10 that court.

11 (iii) The total number of defendants against whom an assess-  
12 ment was imposed by that court.

13 (iv) The total amount of assessments imposed by that court.

14 (v) The total amount of assessments collected by that  
15 court.

16 (vi) Other information required by the department.

17 Sec. 6. (1) A court, department, or local agency which pro-  
18 vides services to implement crime victim rights under section 24  
19 of article I of the state constitution of 1963 may apply to the  
20 department for compensation for the cost of those services to  
21 that court, department, or local agency as provided under this  
22 act. The application shall be on a form provided by the depart-  
23 ment, and shall be submitted quarterly.

24 (2) The department shall compensate courts and units of gov-  
25 ernment for the actual and reasonable administrative costs  
26 incurred by those courts and units of government under this act.

1       Sec. 7. (1) The department shall direct and authorize the  
2 state treasurer quarterly, and in writing, to disburse money from  
3 the fund to pay for crime victim rights services.

4       (2) The department shall establish minimum service and fund-  
5 ing levels for the courts, departments, and local agencies that  
6 receive funds under this act. A disbursement to cover the mini-  
7 mum funding level established by the department shall be annually  
8 distributed to eligible courts, departments, and local agencies  
9 at the beginning of each state fiscal year. Costs for crime  
10 victim rights services beyond the minimum funding level shall be  
11 reimbursed to the eligible court, department, or local agency  
12 pursuant to section 6. The department shall rate crime victim  
13 rights services by order of priority, and may develop financial  
14 incentive programs to enhance the delivery of crime victim rights  
15 services under this act.

16       (3) The department shall make disbursements to the treasurer  
17 of a unit of government, and the treasurer shall transmit that  
18 money to courts, departments, and local agencies, within that  
19 unit of government, as directed by the department. The depart-  
20 ment may withhold a distribution to a unit of government until  
21 the treasurer of that unit of government has distributed all pre-  
22 vious disbursements made by the department to courts, depart-  
23 ments, and local agencies within that unit of government.

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

26       Sec. 8. A court, department, or local agency that receives  
27 a distribution under this act shall use that distribution to

1 enhance and increase crime victim rights services, and not to  
2 supplant local, federal, and other state funds that, in the  
3 absence of a distribution under this act, are available for pro-  
4 viding crime victim rights services or other services to crime  
5 victims.

6       Sec. 9. The department shall annually estimate the cost of  
7 providing crime victim rights services and the estimated revenue  
8 to be received by the crime victim rights fund. If the estimated  
9 revenue is projected to be insufficient to cover the estimated  
10 costs of totally funding crime victim rights services, the  
11 department shall notify the legislature, and determine whether to  
12 request an appropriation or budget transfer to cover the esti-  
13 mated shortfall.

14       Sec. 10. The department shall promulgate rules to implement  
15 this act.