

# HOUSE BILL No. 4886

June 6, 1989, Introduced by Reps. Nye, Walberg, Clack,  
Van Regenmorter and Hoffman and referred to the Committee on  
Appropriations.

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 pre-  
scribe 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 sec-  
tion 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 an  
6 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:

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

13 (b) From insurance, but not including disability or death  
14 benefits paid or to be paid to a peace officer, OR A CORRECTIONS  
15 OFFICER EMPLOYED BY THE STATE, on account of injuries sustained  
16 in the course of employment.

17 (c) From public funds, but not including disability or death  
18 benefits paid or to be paid to a peace officer, OR A CORRECTIONS  
19 OFFICER EMPLOYED BY THE STATE, on account of injuries sustained  
20 in the course of employment.

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

22 (4) The board shall determine whether the claimant contrib-  
23 uted to the infliction of his or her injury and shall reduce the  
24 amount of the award or reject the claim altogether, in accordance  
25 with the determination. The board may disregard for this purpose  
26 the responsibility of the claimant for his or her own injury  
27 where the record shows that the injury was attributable to

1 efforts by the claimant to prevent a crime or an attempted crime  
2 from occurring in his or her presence or to apprehend a person  
3 who had committed a crime in his or her presence.

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

11 (6) IF AT ANY TIME AFTER MARCH 31, 1977, A PERSON'S CLAIM  
12 WAS DENIED, OR AN AWARD TO THE PERSON WAS REDUCED, UNDER THIS ACT  
13 BECAUSE A DISABILITY OR DEATH BENEFIT WAS PAID OR WAS TO BE PAID  
14 TO A CORRECTIONS OFFICER EMPLOYED BY THE STATE AS A RESULT OF AN  
15 INJURY SUSTAINED IN THE COURSE OF EMPLOYMENT, BOTH OF THE FOLLOW-  
16 ING SHALL APPLY:

17 (A) THE PERSON WHOSE CLAIM WAS DENIED OR WHOSE AWARD WAS  
18 REDUCED MAY FILE A NEW CLAIM UNDER THIS ACT FOR THE AWARD OR THE  
19 PART OF THE AWARD THAT WAS DENIED FOR THE REASON DESCRIBED IN  
20 THIS SUBSECTION, WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE  
21 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

22 (B) THE BOARD SHALL GRANT TO THE PERSON WHO FILES A CLAIM  
23 UNDER SUBDIVISION (A) AN AWARD IN THE FULL AMOUNT PRESCRIBED  
24 UNDER SUBSECTION (1) IF THE PERSON'S CLAIM WAS PREVIOUSLY DENIED,  
25 OR IN THE AMOUNT BY WHICH THE PREVIOUS AWARD WAS REDUCED IF THE  
26 PERSON WAS PREVIOUSLY GRANTED A REDUCED AWARD.