

HOUSE BILL No. 5004

July 10, 2001, Introduced by Reps. Stamas, Stewart, Tabor, Scranton, Hager, Bogardus, Whitmer, Caul, Godchaux, Shackleton and Toy and referred to the Committee on Criminal Justice.

A bill to amend 1976 PA 223, entitled

"An act to create an agency concerned with crime victim services; 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,"

by amending sections 6 and 10 (MCL 18.356 and 18.360), as amended by 1996 PA 519.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) When a claim is accepted for filing, an inves-
2 tigation and examination shall be conducted to determine the
3 validity of the claim. The investigation shall include an exami-
4 nation of papers filed in support of the claim, official records
5 and reports concerning the crime, and an examination of medical
6 and hospital reports relating to the injury upon which the claim
7 is based. All claims which arise from the death of an individual
8 as a direct result of a crime shall be considered together, and

1 the total compensation awarded for all claims which arise from
2 the death of an individual shall not exceed the maximum aggregate
3 award.

4 (2) A claim shall be investigated and determined regardless
5 of whether the alleged criminal was apprehended, prosecuted, con-
6 victed, acquitted, or found not guilty of the crime in question,
7 unless the disposition is a direct result of willful noncoopera-
8 tion by the victim or other claimant with the law enforcement
9 agency or the prosecuting attorney. In the event of determina-
10 tion of willful noncooperation by the victim or other claimant,
11 the commission shall reject the claim. A POLICE REPORT IS NOT
12 REQUIRED FOR A CLAIM FILED UNDER SECTION 5A.

13 (3) A claim may be decided on the basis of the papers filed
14 in support of the claim and the report of the investigation of
15 the claim. If the person authorized to decide a claim under sec-
16 tion 3(2) is convinced that a decision should not be made without
17 a hearing, that person may request the commission to conduct a
18 hearing under section 7. At the hearing any relevant evidence,
19 not legally privileged, is admissible.

20 (4) After an examination of the papers filed in support of a
21 claim and the report of investigation, and if no hearing is
22 requested under subsection (3), a decision granting or denying
23 the award shall be made.

24 (5) A written report setting forth the decision and reasons
25 for the decision shall be sent to the claimant.

26 Sec. 10. An award shall not be made unless the
27 investigation of the claim verifies the following facts:

1 (a) A crime was committed.

2 (b) The crime directly resulted in personal physical injury
3 to, or death of, the victim.

4 (c) ~~Police~~ EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 5A AND
5 6, POLICE records show that the crime was reported promptly to
6 the proper authorities. An award may not be made where the
7 police records show that the report was made more than 48 hours
8 after the occurrence of the crime unless either of the following
9 apply:

10 (i) The crime was criminal sexual conduct committed against
11 a victim who was less than 18 years of age at the time of the
12 occurrence and the crime was reported before the victim attained
13 19 years of age.

14 (ii) The commission, for good cause shown, finds the delay
15 was justified.

16 (d) That the crime did not occur while the victim was con-
17 fined in a federal, state, or local correctional facility.

18 Enacting section 1. This amendatory act does not take
19 effect unless all of the following bills of the 91st Legislature
20 are enacted into law:

21 (a) Senate Bill No. 552 or House Bill No. _____ (request
22 no. 02717'01).

23 (b) Senate Bill No. 553 or House Bill No. _____ (request
24 no. 04830'01).