

SENATE BILL No. 445

May 1, 2001, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

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 section 11 (MCL 18.361), as amended by 1996 PA 519.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (2) Unless reduced under this act, an award made for loss of
9 earnings or support shall be in an amount equal to the actual

1 loss sustained. An award shall not exceed \$200.00 for each week
2 of lost earnings or support.

3 (3) An award made for funeral expenses, including burial
4 expenses and grief counseling, shall be not less than \$200.00 or
5 more than ~~\$2,000.00~~ \$2,500.00 for each victim. The award may
6 include not more than \$500.00 to reimburse expenses for grief
7 counseling for the victim's spouse, child, parent, or sibling.

8 (4) An award for psychological counseling shall not exceed
9 26 hourly sessions per victim or intervenor. The award may
10 include not more than 8 family sessions that include any of the
11 victim's or intervenor's spouse, children, parents, or siblings
12 who are not criminally responsible for or an accomplice to the
13 crime. The maximum hourly reimbursement rate shall not exceed
14 \$80.00 per hourly session for a therapist or counselor licensed
15 or registered to practice in this state, except that the maximum
16 hourly reimbursement rate shall not exceed \$95.00 per hourly ses-
17 sion for a psychologist or physician licensed to practice in this
18 state.

19 (5) An award shall be reduced by the amount of 1 or more of
20 the following payments received or to be received as a result of
21 the injury:

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

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

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

5 (d) From an emergency award under section 9.

6 (6) The commission shall determine whether the victim's mis-
7 conduct contributed to his or her injury and shall reduce the
8 amount of the award or reject the claim altogether, in accordance
9 with the determination. The commission may disregard for this
10 purpose the victim's responsibility for his or her own injury if
11 the record shows that the injury was attributable to the victim's
12 efforts to prevent a crime or an attempted crime from occurring
13 in his or her presence or to apprehend a person who had committed
14 a crime in his or her presence. As used in this subsection,
15 "misconduct" includes but is not limited to provocation of or
16 participation in a crime contemporaneous with or immediately pre-
17 ceding the injury.

18 (7) If the commission finds that the claimant will not
19 suffer serious financial hardship as a result of the loss of
20 earnings or support and the out-of-pocket expenses incurred as a
21 result of the injury if he or she is not granted financial
22 assistance, the commission shall deny the award. In determining
23 the serious financial hardship, the commission shall consider all
24 of the financial resources of the claimant.

25 (8) If the commission determines that the payment of an
26 award will cause substantial unjust enrichment and economic

1 benefit to a person criminally responsible for the crime, the
2 commission shall deny the payment.