

SENATE BILL No. 553

June 26, 2001, Introduced by Senators SMITH, BYRUM, SCOTT, DE BEAUSSAERT, HART, KOIVISTO, NORTH, JOHNSON, MC COTTER, PETERS, MC MANUS, MURPHY, SCHWARZ, HAMMERSTROM, EMMONS, BULLARD, YOUNG, LELAND and MILLER and referred to the Committee on Appropriations.

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 the title and sections 1 and 5 (MCL 18.351 and 18.355), as amended by 1996 PA 519.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

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~~ CRIME VICTIMS AND TO HEALTH CARE PROVIDERS THAT PROVIDE MEDICAL SERVICES TO CERTAIN CRIME VICTIMS; TO REGULATE PAYMENT FOR MEDICAL SERVICES PROVIDED TO CERTAIN CRIME VICTIMS; to provide for the promulgation of rules; and to provide for penalties.

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1 Sec. 1. As used in this act:

2 (a) "Claimant" means a victim or intervenor who is injured,
3 or any other person eligible for an award under section 4(1),
4 ~~or~~ 5(1), OR 5A, who files a claim under this act.

5 (b) "Commission" means the crime victim services
6 commission.

7 (c) "Crime" means an act that is 1 of the following:

8 (i) A crime under the laws of this state or the United
9 States that causes an injury within this state.

10 (ii) An act committed in another state that if committed in
11 this state would constitute a crime under the laws of this state
12 or the United States, that causes an injury within this state or
13 that causes an injury to a resident of this state within a state
14 that does not have a victim compensation program eligible for
15 funding from the victims of crime act of 1984, chapter XIV of
16 title II of the comprehensive crime control act of 1984, Public
17 Law 98-473, 98 Stat. 2170.

18 (iii) An act of international terrorism as defined in sec-
19 tion 2331 of title 18 of the United States code, 18 U.S.C. 2331,
20 committed outside the territorial jurisdiction of the United
21 States that causes an injury to a resident of this state.

22 (d) "Intervenor" means a person who goes to the aid of one
23 who has become a victim of a crime and who suffers personal phys-
24 ical injury.

25 (e) "Out-of-pocket loss" means the unreimbursed and unreim-
26 bursable expenses or indebtedness reasonably incurred for medical
27 care, psychological counseling, replacement services, any

1 nonmedical remedial treatment rendered in accordance with a
2 recognized religious method of healing, or other services neces-
3 sary as a result of the injury upon which a claim is based.

4 (f) "Personal physical injury" means actual bodily harm and
5 includes pregnancy.

6 (g) "Replacement services" means homemaking tasks, child
7 care, transportation, and other services previously performed by
8 the victim that, because of the victim's injury, must temporarily
9 or permanently be performed by a person other than the victim.

10 (h) "Support" means actual monetary payments made by a
11 victim or intervenor to or for a person principally dependent on
12 the victim or intervenor.

13 (i) "Victim" means a person who suffers a personal physical
14 injury as a direct result of a crime.

15 Sec. 5. (1) A claim may be filed by the person eligible to
16 receive an award or, if a person is a minor, by his or her parent
17 or guardian OR, FOR A CLAIM UNDER SECTION 5A, BY A HEALTH CARE
18 PROVIDER.

19 (2) Except as provided in subsection (3), a claim shall be
20 filed by the claimant not later than 1 year after the occurrence
21 of the crime upon which the claim is based, except as follows:

22 (a) If police records show that a victim of criminal sexual
23 conduct in the first, second, or third degree was less than 18
24 years of age at the time of the occurrence and that the victim
25 reported the crime before attaining 19 years of age, a claim
26 based on that crime may be filed not later than 1 year after the
27 crime was reported.

1 (b) A claim may be filed within 1 year after the discovery
2 by a law enforcement agency that injuries previously determined
3 to be accidental, of unknown origin, or resulting from natural
4 causes, were incurred as the result of a crime.

5 (3) Upon petition by the claimant and for good cause shown,
6 the commission may extend the period in which a claim may be
7 filed under subsection (2).

8 (4) A claim shall be filed in the commission's office in
9 person or by mail. The commission shall accept for filing a
10 claim that is submitted by a person who is eligible and which
11 alleges the jurisdictional requirements set forth in this act and
12 meets the requirements as to form as approved by the commission.

13 (5) Upon filing of a claim, the commission shall promptly
14 notify the prosecuting attorney of the county in which the crime
15 is alleged to have occurred. If, within 20 days after the noti-
16 fication, the prosecuting attorney advises the commission that a
17 criminal prosecution is pending upon the same alleged crime and
18 requests that action by the commission be deferred, the commis-
19 sion shall defer the proceedings until the criminal prosecution
20 is concluded. When the criminal prosecution is concluded, the
21 prosecuting attorney shall promptly notify the commission. This
22 section does not prohibit the commission from granting emergency
23 awards pursuant to section 9 OR AN AWARD UNDER SECTION 5A.

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

1 (a) Senate Bill No. 552.

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3 (b) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 04831'01).