

# HOUSE BILL No. 4798

May 17, 2005, Introduced by Rep. Van Regenmorter and referred to the Committee on Judiciary.

A bill to amend 1989 PA 196, entitled

"An act to abolish the criminal assessments commission; to prescribe certain duties of the crime victim services commission; to create the crime victim's rights fund; to provide for expenditures from the fund; to provide for assessments against criminal defendants and certain juvenile offenders; to provide for payment of crime victim's rights services; and to prescribe the powers and duties of certain state and local agencies and departments,"

by amending sections 5 and 6 (MCL 780.905 and 780.906), section 5 as amended by 1996 PA 520 and section 6 as amended by 1993 PA 345.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) The court shall order each person ~~convicted of~~  
2   **CHARGED WITH AN OFFENSE THAT IS** a felony, ~~to pay an assessment of~~  
3   ~~\$60.00 and each person convicted of~~ a serious misdemeanor, or a  
4   specified misdemeanor **THAT IS RESOLVED BY CONVICTION, BY ASSIGNMENT**  
5   **OF THE DEFENDANT TO YOUTHFUL TRAINEE STATUS, BY A DEFERRED OR**

1 DELAYED SENTENCE OR ENTRY OF JUDGMENT, OR IN ANOTHER WAY THAT IS  
2 NOT AN ACQUITTAL OR UNCONDITIONAL DISMISSAL to pay an assessment  
3 of ~~\$50.00.~~ AS FOLLOWS:

4 (A) IF THE OFFENSE IS A FELONY, \$60.00.

5 (B) IF THE OFFENSE IS A SERIOUS MISDEMEANOR OR A SPECIFIED  
6 MISDEMEANOR, \$50.00.

7 (2) The court shall order a defendant to pay only 1 assessment  
8 under ~~this~~ subsection (1) per criminal case. Payment of the  
9 assessment shall be a condition of a probation order entered under  
10 chapter XI of the code of criminal procedure, ~~Act No. 175 of the~~  
11 ~~Public Acts of 1927, being sections 771.1 to 771.14a of the~~  
12 ~~Michigan Compiled Laws 1927 PA 175, MCL 771.1 TO 771.14A,~~ or a  
13 parole order entered under section 36 of ~~Act No. 232 of the Public~~  
14 ~~Acts of 1953, being section 791.236 of the Michigan Compiled Laws~~  
15 **THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.236.**

16 (3) ~~(2)~~ The court shall order each juvenile for whom the  
17 court enters an order of disposition for a juvenile offense to pay  
18 an assessment of \$20.00. The court shall order a juvenile to pay  
19 only 1 assessment under this subsection per case.

20 (4) ~~(3)~~ Except as otherwise provided under this act, an  
21 assessment under this section shall be used to pay for crime  
22 victim's rights services.

23 (5) ~~(4)~~ If a defendant ordered to pay an assessment under  
24 this act posted a cash bond or bail deposit in connection with the  
25 case, the court shall order the assessment collected out of that  
26 bond or deposit as provided in section 15 of chapter V and section  
27 22 of chapter XV of the code of criminal procedure, ~~Act No. 175 of~~

1 ~~the Public Acts of 1927, being sections 765.15 and 775.22 of the~~  
2 ~~Michigan Compiled Laws— 1927 PA 175, MCL 765.15 AND 775.22, or~~  
3 ~~section 6 or 7 of —Act No. 257 of the Public Acts of 1966, being~~  
4 ~~sections 780.66 and 780.67 of the Michigan Compiled Laws— 1966 PA~~  
5 ~~257, MCL 780.66 AND 780.67.~~

6 (6) ~~—(5)—~~ If a person is subject to any combination of fines,  
7 costs, restitution, assessments, or payments arising out of the  
8 same criminal or juvenile proceeding, money collected from that  
9 person for the payment of fines, costs, restitution, assessments,  
10 or other payments shall be allocated as provided in section 22 of  
11 chapter XV of ~~—Act No. 175 of the Public Acts of 1927—~~ **THE CODE OF**  
12 **CRIMINAL PROCEDURE, 1927 PA 175, MCL 775.22,** or section 29 of  
13 chapter XIIIA of ~~—Act No. 288 of the Public Acts of 1939, being~~  
14 ~~section 712A.29 of the Michigan Compiled Laws—~~ **THE PROBATE CODE OF**  
15 **1939, 1939 PA 288, MCL 712A.29.**

16 (7) ~~—(6)—~~ The clerk of the court shall do both of the  
17 following on the last day of each month:

18 (a) Transmit 90% of the assessments received under this  
19 section to the department of treasury with a written report of  
20 those assessments as the department of treasury prescribes. To  
21 provide funding for costs incurred under this section and for  
22 providing crime victim's rights services, the court may retain 10%  
23 of the assessments received under this section and transmit that  
24 amount to the court's funding unit.

25 (b) Transmit a written report to the department on a form the  
26 department prescribes containing all of the following information  
27 for that month:

1 (i) The name of the court.

2 (ii) The total number of criminal convictions or dispositions  
3 for offenses that if committed by an adult would be criminal  
4 obtained in that court.

5 (iii) The total number of defendants or juveniles against whom  
6 an assessment was imposed by that court.

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

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

9 (vi) Other information required by the department.

10 Sec. 6. (1) The department shall establish service and funding  
11 levels for the courts, departments, and local agencies that receive  
12 ~~funds~~ **MONEY** under this act.

13 (2) A disbursement to cover the funding level established by  
14 the department shall be annually distributed to eligible  
15 departments and local agencies.

16 (3) If the amount retained by the clerk of a court pursuant to  
17 section ~~5(6)~~ **5(7)** is less than the service and funding level for  
18 the court established under subsection (1), a disbursement to cover  
19 the difference between the amount retained and the funding level  
20 established by the department shall be annually distributed to an  
21 eligible court.

22 (4) A department or local agency that provides crime victim's  
23 rights services may apply quarterly to the department for an  
24 adjustment to the funding level established pursuant to subsection  
25 (1). The application shall be on a form provided by the department.  
26 The department shall disburse an adjustment to the funding level to  
27 an eligible department or local agency.

1           (5) A court that provides crime victim's rights services may  
2 apply annually to the department for compensation for the cost of  
3 those services to that court in excess of the greater of the amount  
4 retained under section ~~5(6)~~ **5(7)** or the funding level for the  
5 court established pursuant to subsection (1). The application shall  
6 be on a form provided by the department.

7           (6) The department shall compensate units of government for  
8 the actual and reasonable administrative costs incurred by those  
9 units of government under this act.