

Act No. 315
Public Acts of 2005
Approved by the Governor
December 22, 2005
Filed with the Secretary of State
December 27, 2005
EFFECTIVE DATE: January 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005**

Introduced by Rep. Van Regenmorter

ENROLLED HOUSE BILL No. 4798

AN ACT 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:

Sec. 5. (1) The court shall order each person charged with an offense that is a felony, a serious misdemeanor, or a specified misdemeanor, that is resolved by conviction, by assignment of the defendant to youthful trainee status, by a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal, to pay an assessment as follows:

(a) If the offense is a felony, \$60.00.

(b) If the offense is a serious misdemeanor or a specified misdemeanor, \$50.00.

(2) The court shall order a defendant to pay only 1 assessment under subsection (1) per criminal case. Payment of the assessment shall be a condition of a probation order entered under chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1 to 771.14a, or a parole order entered under section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

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

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

(5) If a defendant ordered to pay an assessment under this act posted a cash bond or bail deposit in connection with the case, the court shall order the assessment collected out of that bond or deposit as provided in section 15 of chapter V and section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 765.15 and 775.22, or section 6 or 7 of 1966 PA 257, MCL 780.66 and 780.67.

(6) If a person is subject to any combination of fines, costs, restitution, assessments, or payments arising out of the same criminal or juvenile proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, or other payments shall be allocated as provided in section 22 of chapter XV of the code of criminal procedure, 1927 PA 175, MCL 775.22, or section 29 of chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.29.

(7) The clerk of the court shall do both of the following on the last day of each month:

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

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

(i) The name of the court.

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

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

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

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

(vi) Other information required by the department.

Sec. 6. (1) The department shall establish service and funding levels for the courts, departments, and local agencies that receive money under this act.

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

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

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

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

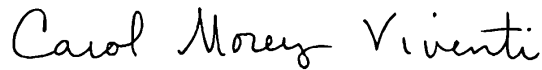
(6) The department shall compensate units of government for the actual and reasonable administrative costs incurred by those units of government under this act.

Enacting section 1. This amendatory act takes effect January 1, 2006.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor