

SENATE BILL No. 874

April 12, 2016, Introduced by Senators SCHUITMAKER, JONES, O'BRIEN and HORN and referred to the Committee on Judiciary.

A bill to amend 1985 PA 87, entitled
"William Van Regenmorter crime victim's rights act,"
by amending section 17 (MCL 780.767), as amended by 1996 PA 562.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) In determining the amount of restitution to order
2 under section 16, the court shall consider the amount of the loss
3 sustained by any victim as a result of the offense **OR THE**
4 **DEFENDANT'S COURSE OF CONDUCT.**

5 (2) The court may order the probation officer to obtain
6 information pertaining to the amounts of loss described in
7 subsection (1). The probation officer shall include the information
8 collected in the presentence investigation report or in a separate
9 report, as the court directs.

1 (3) The court shall disclose to both the defendant and the
2 prosecuting attorney all portions of the presentence or other
3 report pertaining to the matters described in subsection (1).

4 (4) Any dispute as to the proper amount or type of restitution
5 shall be resolved by the court by a preponderance of the evidence.
6 The burden of demonstrating the amount of the loss sustained by a
7 victim as a result of the offense shall be on the prosecuting
8 attorney.

9 (5) **PURSUANT TO SECTION 24 OF ARTICLE I OF THE STATE**
10 **CONSTITUTION OF 1963, AND THIS ACT, THE COURT SHALL NOT WAIVE**
11 **RESTITUTION OR ALLOCATE RESTITUTION AMONG DEFENDANTS.**

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 98th Legislature are
16 enacted into law:

17 (a) Senate Bill No. 873.

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19 (b) Senate Bill No. 875.

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21 (c) Senate Bill No. 876.

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23 (d) Senate Bill No. ____ or House Bill No. ____ (request no.
24 01052'15).

25 (e) Senate Bill No. ____ or House Bill No. ____ (request no.
26 01053'15).

27 (f) Senate Bill No. 877.