

HOUSE BILL NO. 6013

September 26, 2024, Introduced by Reps. Tsernoglou, Edwards, Rheingans, Paiz, Brenda Carter, Morgan, Andrews, Byrnes, Breen, Arbit, Dievendorf, Rogers, Hope, Conlin, Wilson, Koleszar and Young and referred to the Committee on Criminal Justice.

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 2022 PA 77.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Except for a claim under section 5a, an award
2 made under this act must be an amount not more than an out-of-
3 pocket loss, including indebtedness reasonably incurred for medical
4 or other services necessary as a result of the personal injury upon

1 which the claim is based, together with loss of earnings or support
2 resulting from the crime. The aggregate award under this act must
3 not exceed \$45,000.00 per claimant.

4 (2) Unless reduced under this act, an award made for an out-
5 of-pocket loss must be in an amount equal to unreimbursed and
6 unreimbursable expenses or indebtedness related to the crime and
7 reasonably incurred for any of the following:

8 (a) Medical care for the victim or intervenor.

9 (b) Subject to subsection (6), psychological or grief
10 counseling for an individual listed in section 4(1)(a), (b), (c),
11 (e), (f), or (g).

12 (c) Reasonable expenses for temporary or permanent relocation
13 for an individual listed in section 4(1)(a) or (e), or if the
14 victim is deceased, for an individual listed in section 4(1)(b),
15 (e), or (f). An award for expenses under this subdivision may be
16 made only if the claimant is relocating to protect the claimant's
17 physical safety or emotional or financial well-being as a result of
18 the crime and, unless good cause is shown, is relocating within 1
19 year of the date the crime occurred, or of the date the claimant is
20 threatened by a change in circumstance or by an indicator of
21 danger. An award for expenses under this subdivision may not exceed
22 \$3,800.00 per claimant. Eligible relocation expenses under this
23 subdivision include, but are not limited to, all of the following
24 expenses:

25 (i) The first month of rent, a security deposit, **a pet deposit**
26 **or other pet-related rental costs**, and the costs to start utilities
27 in the dwelling unit to which the claimant relocates. The
28 commission may require the claimant to provide a signed rental
29 agreement to verify these expenses.

1 (ii) Moving expenses, including, but not limited to, costs to
2 rent a truck, travel, and for moving services.

3 (iii) Costs for temporary lodging for not more than 30 days.

4 (d) Replacement services for homemaking tasks, child care, and
5 other services previously performed by an individual listed in
6 section 4(1)(a), (b), (e), or (f), that, because of the victim's
7 injury, or the claimant's attendance at a victim services
8 organization to receive services related to the crime, must
9 temporarily or permanently be performed by another person.

10 (e) Transportation expenses for the purpose of an individual
11 listed in section 4(1)(a), or if the victim or intervenor is
12 deceased, for a person listed in section 4(1)(b), (e), or (f), to
13 access services from a victim services organization, medical care,
14 or mental health care, or to attend the funeral of a victim or
15 intervenor. An award for expenses under this subdivision must not
16 exceed the following aggregate amounts per claimant:

17 (i) If the expense is for travel of a distance of not more than
18 50 miles each way from the claimant's residence, \$1,000.00.

19 (ii) If the expense is for travel that meets 1 or more of the
20 following, \$5,000.00:

21 (A) If the travel is a distance of not less than 50 miles from
22 the claimant's residence each way and is to and from a health care
23 provider, mental health professional as that term is defined in
24 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b,
25 or health facility or agency that renders a specific treatment or
26 care that is not available within 50 miles of the claimant's
27 residence.

28 (B) If the travel is a distance of not less than 50 miles from
29 the claimant's residence each way and is to and from a funeral for

1 a deceased victim or intervenor.

2 (f) Reasonable costs of not more than \$1,000.00 per residence
3 for installing, increasing, or replacing residential security,
4 which may include installing a home security device or system;
5 replacing or repairing windows or locks; or increasing the number
6 of locks, at either of the following residences:

7 (i) The residence of an individual listed in section 4(1)(a).

8 (ii) If the crime scene is located at the residence of an
9 individual listed in section 4(1)(b), (e), or (f), at that
10 residence.

11 (g) Accessibility or rehabilitative equipment or devices for
12 either of the following:

13 (i) Equipment or devices that a victim or intervenor needs
14 because of an injury of the victim or intervenor caused by the
15 crime, including, but not limited to, modifications necessary to
16 make a residence or vehicle accessible for a victim or intervenor.

17 (ii) Replacement equipment or devices that a victim or
18 intervenor needs because the equipment or device of the victim or
19 intervenor was damaged in the course of a crime.

20 (h) Nonmedical remedial treatment rendered to the victim or
21 intervenor in accordance with a recognized religious method of
22 healing.

23 (i) If the crime scene is located at the residence of, or a
24 motor vehicle owned or leased by, an individual listed in section
25 4(1)(a), (b), (e), or (f), the crime scene cleanup services
26 resulting from a crime for that residence or vehicle after crime
27 scene cleanup is permitted by the investigating law enforcement
28 agency, in an amount not to exceed \$5,000.00 per crime scene.

29 (j) Replacement costs of not more than \$250.00 for clothing or

1 bedding of an individual listed in section 4(1)(a), (b), (e), or
2 (f), that is held as evidence of a crime.

3 (k) Subject to subsection (5), funeral expenses.

4 **(l) Temporary boarding of a pet that belongs to the victim, if**
5 **the temporary boarding is necessary to facilitate the victim's**
6 **immediate relocation.**

7 **(m) ~~(l)~~**—Other services necessary for the victim or intervenor.

8 (3) Unless reduced under this act, an award made for loss of
9 support must be in an amount equal to the actual loss sustained. An
10 award must not exceed \$1,000.00 for each week of lost support.

11 (4) Unless reduced under this act, an award made for loss of
12 earnings must be in an amount equal to the actual loss sustained.
13 An award must not exceed \$1,000.00 for each week of lost earnings.
14 A claimant may be awarded for loss of earnings under this
15 subsection for lost wages as a result of the crime, including, but
16 not limited to, in the following circumstances:

17 (a) A victim or intervenor, the parent, guardian, or primary
18 caregiver of a victim or intervenor, or if the victim or intervenor
19 is deceased, a claimant who is listed in section 4(1)(b) or (e),
20 for not attending work due to any of the following:

21 (i) Seeking medical attention for or recovery from an injury
22 caused by the crime.

23 (ii) Obtaining psychological counseling or obtaining services
24 from a victim services organization.

25 (iii) Providing care or assistance to a victim or claimant in
26 recovering from injuries caused by the crime or in obtaining
27 psychological counseling or services from a victim services
28 organization.

29 (b) If the victim or intervenor is deceased and a claimant is

1 listed in section 4(1)(b), (e), or (f), wage loss for bereavement
2 leave to attend the funeral or alternative to a funeral of the
3 deceased victim or intervenor, to make arrangements necessitated by
4 the death of the deceased victim or intervenor, or for a period of
5 grieving the death of the deceased victim or intervenor, not to
6 exceed the following amounts:

7 (i) If the claimant is listed in section 4(1)(b) or (e),
8 \$2,000.00.

9 (ii) If the claimant is listed in section 4(1)(f), \$1,000.00.

10 (5) Unless reduced under this act, an award made for funeral
11 expenses must be in an amount equal to unreimbursed and
12 unreimbursable expenses or indebtedness incurred for burial
13 expenses, transporting the victim's body, and other costs for the
14 funeral service or alternative to funeral service, and must not
15 exceed \$8,000.00 for each victim. An award under this subsection
16 must not exceed an additional \$500.00 for a grave marker for each
17 victim.

18 (6) An award for psychological or grief counseling must not
19 exceed 35 hourly sessions per individual listed in section 4(1)(a),
20 (b), (c), (e), (f), or (g) who requires psychological counseling as
21 a result of the crime or grief counseling in connection with the
22 death of the victim or intervenor. The award may include not more
23 than 20 family sessions that include an individual who is not
24 criminally responsible for or an accomplice to the crime, and who
25 is related to the victim or intervenor by blood or affinity to the
26 second degree, the guardian or primary caregiver of a minor victim,
27 or an individual listed in section 4(1)(e). The maximum hourly
28 reimbursement rate must not exceed \$80.00 per hourly session for a
29 therapist or counselor licensed or registered to practice in this

1 state, except that the maximum hourly reimbursement rate must not
2 exceed \$125.00 per hourly session for a psychologist or physician
3 licensed to practice in this state.

4 (7) An award must be reduced by the amount of 1 or more of the
5 following payments received or to be received as a result of the
6 injury:

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

8 (b) From insurance, but not including disability or death
9 benefits paid or to be paid to a peace officer or a corrections
10 officer on account of injuries sustained in the course of
11 employment.

12 (c) From public funds, but not including disability or death
13 benefits paid or to be paid to a peace officer or a corrections
14 officer on account of injuries sustained in the course of
15 employment.

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

17 (8) In making a determination on a claim filed by an
18 individual listed in section 4(1)(a), (b), (c), (e), (f), or (g),
19 the commission shall determine whether the victim's misconduct
20 contributed to ~~his or her~~ **the victim's** injury and shall reduce the
21 amount of the award or reject the claim altogether, in accordance
22 with the determination. The commission may disregard for this
23 purpose the victim's responsibility for ~~his or her~~ **the victim's** own
24 injury if the record shows that the injury was attributable to the
25 victim's efforts to prevent a crime or an attempted crime from
26 occurring in ~~his or her~~ **the victim's** presence or to apprehend a
27 ~~person~~ **an individual** who had committed a crime in ~~his or her~~ **the**
28 **victim's** presence. As used in this subsection, "misconduct"
29 includes, but is not limited to, provocation of or participation in

1 a crime contemporaneous with or immediately preceding the injury.

2 (9) If the commission determines that the payment of an award
3 will cause substantial unjust enrichment and economic benefit to a
4 person criminally responsible for the crime, the commission shall
5 deny the payment.

6 (10) If a claimant receives a payment described under
7 subsection (7) (a) to (c) for an expense for which the claimant
8 received an award under this section, the claimant shall reimburse
9 the commission to the extent the total amount the claimant received
10 exceeds the actual loss the claimant experienced for that expense.