

SUBSTITUTE FOR
HOUSE BILL NO. 5355

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 1, 4, and 8 (MCL 780.901, 780.904, and 780.908), sections 1 and 4 as amended by 1996 PA 520 and section 8 as amended by 1993 PA 345.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commission" means the crime victim services commission
3 described in section 2 of Act No. 223 of the Public Acts of 1976,
4 being section 18.352 of the Michigan Compiled Laws 1976 PA 223, MCL

1 18.352.

2 (b) "Crime victim's rights services" means services required
3 to implement fully the ~~crime victim's rights act, Act No. 87 of the~~
4 ~~Public Acts of 1985, being sections 780.751 to 780.834 of the~~
5 ~~Michigan Compiled Laws~~ **WILLIAM VAN REGENMORTER CRIME VICTIM'S**
6 **RIGHTS ACT, 1985 PA 87, MCL 780.751 TO 780.834, AND SERVICES**
7 **PRESCRIBED UNDER THIS ACT.**

8 (c) "Department" means the department of management and budget
9 of this state.

10 (d) "Felony" means a violation of a penal law of this state
11 for which the offender, upon conviction, may be punished by
12 imprisonment for more than 1 year or an offense expressly
13 designated by law to be a felony.

14 (e) "Fund" means the crime victim's rights fund created under
15 section 4.

16 (f) "Juvenile offense" means an offense committed by a
17 juvenile under the jurisdiction of the juvenile division of the
18 probate court or the family division of circuit court under section
19 2(a)(1) of chapter XIIIA of ~~Act No. 288 of the Public Acts of 1939,~~
20 ~~being section 712A.2 of the Michigan Compiled Laws~~ **THE PROBATE CODE**
21 **OF 1939, 1939 PA 288, MCL 712A.2,** that if committed by an adult
22 would be a felony, serious misdemeanor, or a specified misdemeanor
23 if the juvenile's case is not designated as a case in which the
24 juvenile is to be tried in the same manner as an adult.

25 (g) "Serious misdemeanor" means that term as defined in
26 section 61 of ~~Act No. 87 of the Public Acts of 1985, being section~~
27 ~~780.811 of the Michigan Compiled Laws~~ **THE WILLIAM VAN REGENMORTER**

1 **CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.811.**

2 (h) "Specified misdemeanor" means a misdemeanor violation of
3 any of the following:

4 (i) Section 602a, 625(1) or (3), 626, or 904 of the Michigan
5 vehicle code, ~~Act No. 300 of the Public Acts of 1949, being~~
6 ~~sections 257.602a, 257.625, 257.626, and 257.904 of the Michigan~~
7 ~~Compiled Laws 1949 PA 300, MCL 257.602A, 257.625, 257.626, AND~~
8 ~~257.904.~~

9 (ii) Section 82127(1) or (3) ~~of part 821 (snowmobiles) of the~~
10 ~~natural resources and environmental protection act, Act No. 451 of~~
11 ~~the Public Acts of 1994, being section 324.82127 of the Michigan~~
12 ~~Compiled Laws 1994 PA 451, MCL 324.82127.~~

13 (iii) Section 81134(1) or (2) or 81135 of ~~part 811 (off road~~
14 ~~recreation vehicles) of Act No. 451 of the Public Acts of 1994,~~
15 ~~being sections 324.81134 and 324.81135 of the Michigan Compiled~~
16 ~~Laws THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994~~
17 ~~PA 451, MCL 324.81134 AND 324.81135.~~

18 (iv) Section 80176(1) or (3) of ~~part 801 (marine safety) of Act~~
19 ~~No. 451 of the Public Acts of 1994, being section 324.80176 of the~~
20 ~~Michigan Compiled Laws THE NATURAL RESOURCES AND ENVIRONMENTAL~~
21 ~~PROTECTION ACT, 1994 PA 451, MCL 324.80176.~~

22 (v) Section 185 of the aeronautics code of the state of
23 Michigan, ~~Act No. 327 of the Public Acts of 1945, being section~~
24 ~~259.185 of the Michigan Compiled Laws 1945 PA 327, MCL 259.185.~~

25 (vi) Part 74 ~~or section 17766a of the public health code, Act~~
26 ~~No. 368 of the Public Acts of 1978, being sections 333.7401 to~~
27 ~~333.7461 and 333.17766a of the Michigan Compiled Laws 1978 PA 368,~~

1 MCL 333.7401 TO 333.7461.

2 (vii) Section 33 of the Michigan liquor control act, Act No. 8
3 of the Public Acts of the Extra Session of 1933, being section
4 436.33 of the Michigan Compiled Laws **701 OF THE MICHIGAN LIQUOR**
5 **CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1701.**

6 (viii) Section 353 or 355 of the railroad code of 1993, Act No.
7 354 of the Public Acts of 1993, being sections 462.353 and 462.355
8 of the Michigan Compiled Laws **1993 PA 354, MCL 462.353 AND 462.355.**

9 (ix) Section 174, 218, 356, 356d, 359, 362, 362a, 377a, 380,
10 479a, 535, or 540e of the Michigan penal code, Act No. 328 of the
11 Public Acts of 1931, being sections 750.174, 750.218, 750.356,
12 750.356d, 750.359, 750.362, 750.362a, 750.377a, 750.380, 750.479a,
13 750.535, and 750.540e of the Michigan Compiled Laws **1931 PA 328,**
14 **MCL 750.174, 750.218, 750.356, 750.356D, 750.359, 750.362,**
15 **750.362A, 750.377A, 750.380, 750.479A, 750.535, AND 750.540E.**

16 (x) A local ordinance substantially corresponding to a law
17 listed in subparagraphs (i) to (ix).

18 Sec. 4. (1) The crime victim's rights fund is created as a
19 separate fund in the state treasury. The state treasurer shall
20 credit to the fund all amounts received under this act and as
21 provided by law. The state treasurer shall invest fund money in the
22 same manner as surplus funds are invested under section 3 of Act
23 No. 105 of the Public Acts of 1855, being section 21.143 of the
24 Michigan Compiled Laws **1855 PA 105, MCL 21.143.** Earnings from the
25 fund shall be credited to the fund.

26 (2) The fund shall be expended only as provided in this act.
27 Amounts in the fund in excess of the necessary revenue determined

House Bill No. 5355 as amended December 10, 2008

1 by the commission under section 3(a) may be used for crime victims'
 2 VICTIM compensation under Act No. 223 of the Public Acts of 1976,
 3 being sections 18.351 to 18.368 of the Michigan Compiled Laws 1976
 4 PA 223, MCL 18.351 TO 18.368. BEFORE OCTOBER 1, <<2009>>, ANY
 5 ADDITIONAL EXCESS REVENUE THAT HAS NOT BEEN USED FOR CRIME VICTIM
 6 COMPENSATION MAY BE USED TO PROVIDE ANY OF THE FOLLOWING SERVICES:

7 (A) THE OPERATION AND ENHANCEMENT OF THE SEX OFFENDER REGISTRY
 8 COMPILED AND MAINTAINED UNDER THE SEX OFFENDERS REGISTRATION ACT,
 9 1994 PA 295, MCL 28.721 TO 28.736.

10 (B) THE AMBER ALERT PROGRAM UNDER THE MICHIGAN AMBER ALERT
 11 ACT, 2002 PA 712, MCL 28.751 TO 28.754.

12 (C) TREATMENT SERVICES FOR VICTIMS OF CONDUCT PROHIBITED UNDER
 13 SECTIONS 520B TO 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
 14 750.520B TO 750.520G.

15 (D) POLYGRAPH EXAMINATION AS THAT TERM IS DEFINED UNDER
 16 SECTION 2 OF THE POLYGRAPH PROTECTION ACT OF 1981, 1982 PA 44, MCL
 17 37.202.

18 (E) THE EXPERT WITNESS TESTIMONY OF A FORENSIC SCIENTIST.

19 Sec. 8. A court, department, or local agency that receives a
 20 distribution under this act shall use that distribution to **MAINTAIN**
 21 **OR** enhance and increase crime victim's rights services. and not to
 22 supplant local, federal, and other state funds that, in the absence
 23 of a distribution under this act, are available for providing crime
 24 victim's rights services or other services to crime victims.