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BILL ANALYSIS



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Senate Bill 535, 537, and 538 (as reported without amendment)  
Senate Bill 536 (Substitute S-1 as reported)  
Sponsor: Senator Tonya Schuitmaker  
Committee: Judiciary

### **CONTENT**

Senate Bill 536 (S-1) would amend the crime victim's rights services Act to do all of the following:

- Require a sentencing court to order a crime victim's rights assessment for all crimes, rather than just for felonies, serious misdemeanors, and specified misdemeanors.
- Delete the Act's definitions of "serious misdemeanor" and "specified misdemeanor".
- Revise the definition of "juvenile offense".

Under the Act, a sentencing court must order a person to pay an assessment of \$130 for a felony or \$75 for a misdemeanor if the person is charged with an offense that is a felony, a serious misdemeanor, or a specified misdemeanor that is resolved by conviction, assignment of the defendant to youthful trainee status, a delayed sentence or deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal. Under the bill, the court would have to order a person to pay the assessment if he or she were charged with a *crime* that was resolved in such a manner.

The bill would revise the definition of "juvenile offense" to refer to offenses committed by a juvenile that if committed by an adult would be a crime, rather than those that if committed by an adult would be a felony, serious misdemeanor, or specified misdemeanor.

Senate Bill 537 would amend the juvenile code to do both of the following:

- Require the juvenile court to order a juvenile within the court's jurisdiction to pay certain costs for any misdemeanor, rather than just for a serious misdemeanor or specified misdemeanor.
- Require a juvenile court to order a juvenile to pay the crime victim's rights assessment if the court entered a judgment of conviction for a crime, rather than just for a felony, serious misdemeanor, or specified misdemeanor.

Under the juvenile code, if a juvenile is within the court's jurisdiction for an offense that would be a crime if committed by an adult, and is ordered to pay any combination of fines, costs, restitution, assessments, or payments arising out of the same juvenile proceeding, the court must order the juvenile to pay costs at least the following amount, as applicable:

- \$68, if the juvenile is within the court's jurisdiction for a felony.
- \$53, if the juvenile is within the court's jurisdiction for a serious misdemeanor or a specified misdemeanor.

-- \$48, if the juvenile is within the court's jurisdiction for any other misdemeanor or for an ordinance violation.

Under the bill, the \$53 assessment would apply to a juvenile within the court's jurisdiction for any misdemeanor, rather than a serious misdemeanor or specified misdemeanor.

Currently, if the court enters a judgment of conviction under Section 2d of the code for an offense that is a felony, serious misdemeanor, or specified misdemeanor, as those terms are defined in the crime victim's rights services Act, the court must order the juvenile to pay the assessment provided in that Act. The bill would refer to an offense that is a crime, rather than one that is a felony, serious misdemeanor, or specified misdemeanor. (Section 2d allows the juvenile court to try a juvenile in the same manner as an adult, for certain violations and under certain conditions, and to enter a juvenile disposition or impose a criminal sentence.)

Senate Bills 535 and 538 would amend the Code of Criminal Procedure and the Revised Judicature Act (RJA), respectively, to define "specified misdemeanor" in the same way as that term is currently defined in the crime victim's rights services Act.

Under the Code of Criminal Procedure, if a court orders a person convicted of an offense to pay any combination of a fine, costs, or applicable assessment, the court must order the person to pay costs of at least the following amount, as applicable:

- \$68, if the defendant is convicted of a felony.
- \$53, if the defendant is convicted of a serious misdemeanor or a specified misdemeanor.
- \$48, if the defendant is convicted of any other misdemeanor.

Under the RJA, when fines and costs are assessed by a judge or district court magistrate, the defendant must be ordered to pay costs of at least \$45 for each conviction for a serious misdemeanor or a specified misdemeanor or costs of at least \$40 for each conviction for any other misdemeanor or ordinance violation.

The Code and the RJA state that "specified misdemeanor" means that term as defined in Public Act 196 of 1989 (the crime victim's rights services Act). The bills instead would add a definition of "specified misdemeanor" that is the same as the current definition in that Act.

Senate Bill 536 (S-1) is tie-barred to Senate Bills 535, 537, and 538, which are tie-barred to Senate Bill 536.

MCL 769.1j (S.B. 535)  
780.901 & 780.905 (S.B. 536)  
712A.18 & 712A.18m (S.B. 537)  
600.8381 (S.B. 538)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The bills would have a positive, but indeterminate fiscal impact on State and local government. Because the package of bills would extend existing crime victim's rights assessments to all criminal convictions, the State would likely experience an increase in the collection of those fees. Additional crime victim's rights assessment revenue would be used to compensate victims as prescribed in the Crime Victim's Rights Act and to maintain or expand local crime victim's rights services.

Public Acts 280 and 282 of 2010 placed additional spending pressures on the Crime Victims' Rights Fund that may necessitate the influx of this additional revenue. Public Act 280 set aside an amount not to exceed \$3.5 million in crime victim services revenue for the

establishment and maintenance of a statewide trauma system. Public Act 282 increased maximum victim compensation payments from the Crime Victims' Rights Fund. In the absence of additional revenue, these two acts introduced the possibility that the Fund could be subject to a structural deficit. By extending crime victims assessment fees to a larger pool of offenders, Senate Bills 535 through 538 would likely generate sufficient revenue to eliminate the possibility of an ongoing deficit in the Crime Victims' Rights Fund.

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Fiscal Analyst: Matthew Grabowski

floor/sb535.

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.