

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1233 (Substitute S-1 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the juvenile code to specify that certain juvenile cases could not be diverted, or otherwise removed from the adjudicative process, unless the court notified the prosecuting attorney and allowed him or her to address the court on the issue, and the prosecuting attorney gave the victim an opportunity to consult with the prosecutor. The bill also would extend restitution requirements to cases in which juveniles were convicted of criminal offenses, and to informally resolved cases, as well as make other changes regarding the payment of restitution by juvenile offenders.

The proposed restriction on diversion would apply to the following offenses: a violation for which a juvenile convicted as an adult could be punished by more than one year's imprisonment, or an offense expressly designated as a felony; assault or aggravated assault, including domestic violence; breaking and entering, or illegal entry; fourth-degree child abuse; enticing a child for immoral purposes; discharging a firearm intentionally aimed at a person; indecent exposure; stalking; leaving the scene of a personal injury accident; drunk driving or boating that resulted in property damage, physical injury, or death; selling or furnishing alcohol to a person under 21, if the violation resulted in physical injury or death; a violation of a substantially corresponding local ordinance; and an offense described above that was subsequently reduced to a violation not included in that list.

In regard to restitution, the bill would prohibit a court from imposing a fee on a victim, victim's estate, or prosecuting attorney for enforcing a restitution order; allow a court to order an employed juvenile to execute a wage assignment; require court-ordered restitution to include an amount equal to the loss of a tax deduction or tax credit if a deceased victim could have been claimed as a dependent on his or her parent's or guardian's income tax returns; allow the court to order up to three times the amount of restitution otherwise allowed, if an offense resulted in the death or serious impairment of a body function of a victim; require the court to find that modifying the method of payment would not impose a manifest hardship on the victim, if a juvenile or juvenile's parent sought modification; revise requirements for the review of cases in which payment of restitution is a condition of probation; and revise provisions concerning the payment of certain costs when an offense results in physical or psychological injury to a victim.

MCL 712A.11 & 712A.30

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would make the juvenile code consistent with changes to the Crime Victim's Rights Act contained in Public Act 503 of 2000, and therefore would have no fiscal impact.

Date Completed: 4-18-02

Fiscal Analyst: Bill Bowerman
Connie Cole
Dana Patterson