

Act No. 348  
Public Acts of 1993  
Approved by the Governor  
January 10, 1994  
Filed with the Secretary of State  
January 10, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

**Introduced by Senators Van Regenmorter, Cisky, DeGrow, Dunaskiss, Faust and Kelly**

# **ENROLLED SENATE BILL No. 474**

AN ACT to amend sections 1 and 5 of Act No. 223 of the Public Acts of 1976, entitled "An act to create the crime victims compensation board; 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," as amended by Act No. 316 of the Public Acts of 1990, being section 18.351 and 18.355 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 1 and 5 of Act No. 223 of the Public Acts of 1976, as amended by Act No. 316 of the Public Acts of 1990, being sections 18.351 and 18.355 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1. As used in this act:

(a) "Board" means the crime victims compensation board.

(b) "Claimant" means a victim or intervenor who is injured, or any other person eligible for an award pursuant to section 4(1) or 5(1), who files a claim pursuant to this act.

(c) "Crime" means an act that constitutes a crime pursuant to the laws of this state or the United States, or an act committed in another state that if committed in this state would constitute a crime pursuant to the laws of this state or the United States; and that causes an injury within this state, or that causes an injury to a resident of this state within a state that does not have a victim compensation program eligible for funding from the victims of crime act of 1984, chapter XIV of title II of Public Law 98-473, 98 Stat. 2170.

(d) "Intervenor" means a person who goes to the aid of one who has become a victim of a crime and who suffers personal physical injury.

(e) "Out-of-pocket loss" means the unreimbursed and unreimbursable expenses or indebtedness reasonably incurred for medical care, psychological counseling, replacement services including, but not limited to, homemaking and child care services, any nonmedical remedial treatment rendered in accordance with a recognized religious method of healing, or other services necessary as a result of the injury upon which a claim is based.

(f) "Personal physical injury" means actual bodily harm and includes pregnancy.

(g) "Replacement services" means homemaking tasks, child care, transportation, and other services previously performed by the victim that, because of the victim's injury, must temporarily or permanently be performed by a person other than the victim.

(h) "Support" means actual monetary payments made by a victim or intervenor to, or for, a person principally dependent on the victim or intervenor.

(i) "Victim" means a person who suffers a personal physical injury as a direct result of a crime.

Sec. 5. (1) A claim may be filed by the person eligible to receive an award, or if a person is a minor, by his or her parent or guardian.

(2) Except as provided in subsection (3), a claim shall be filed by the claimant not later than 1 year after the occurrence of the crime upon which the claim is based, except as follows:

(a) If police records show that a victim of criminal sexual conduct in the first, second, or third degree was less than 18 years of age at the time of the occurrence and that the victim reported the crime before attaining 19 years of age, a claim based on that crime may be filed not later than 1 year after the crime was reported.

(b) A claim may be filed within 1 year after the discovery by a law enforcement agency that injuries previously determined to be accidental, of unknown origin, or resulting from natural causes, were incurred as the result of a crime.

(3) The board may, upon petition by the claimant, and for good cause shown, extend the period in which a claim may be filed under subsection (2).

(4) A claim shall be filed in the office of the board in person or by mail. The board shall accept for filing a claim that is submitted by a person who is eligible and which alleges the jurisdictional requirements set forth in this act and meets the requirements as to form as approved by the board.

(5) Upon filing of a claim, the board shall promptly notify the prosecuting attorney of the county in which the crime is alleged to have occurred. If, within 20 days after the notification, the prosecuting attorney advises the board that a criminal prosecution is pending upon the same alleged crime and requests that action by the board be deferred, the board shall defer the proceedings until the criminal prosecution is concluded. When the criminal prosecution is concluded, the prosecuting attorney shall promptly notify the board. This section does not prohibit the board from granting emergency awards pursuant to section 9.

This act is ordered to take immediate effect.

-----  
Secretary of the Senate.

-----  
Co-Clerk of the House of Representatives.

Approved \_\_\_\_\_

-----  
Governor.