
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 781 (as reported without amendment)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Crime Victim's Rights Act to allow a court to order the payment of restitution as a condition of sentencing. The court could impose imprisonment if a defendant failed to comply with the restitution order. Currently, if a defendant is placed on probation or paroled, any restitution ordered must be a condition of probation or parole. The court may revoke probation and the parole board may revoke parole if the defendant fails to comply with the order and has not made a good faith effort to comply. If the court imposed a conditional sentence, any restitution ordered would have to be a condition of that sentence. The court would have to impose imprisonment if the defendant failed to comply with the order and had not made a good faith effort to comply.

Currently, in determining whether to revoke probation or parole, the court or parole board must consider the defendant's employment status, earning ability, financial resources, the willfulness of his or her failure to pay, and any other special circumstances that have a bearing on the defendant's ability to pay. The court also would have to consider those factors in determining whether to impose imprisonment.

The bill is tie-barred to Senate Bill 780.

MCL 780.766 & 780.826

Legislative Analyst: P. Affholter

FISCAL IMPACT

To the extent that Senate Bills 780 and 781 would allow a judge to impose imprisonment for failure to pay restitution, costs for the Department of Corrections or county jails could increase. However, the amount of that increase is indeterminate.

In order to determine the cost increase, one would have to know the type of crime for which a conditional sentence is most likely imposed, the number of times restitution was not paid, and the likelihood that a judge would impose imprisonment given a failure to comply with an order to pay restitution. This information is not available at this time.

Date Completed: 11-24-97

Fiscal Analyst: K. Firestone