

MICHIGAN CRIME STOPPERS ACT

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4083 reported without amendment

Sponsor: Rep. Matt Lori

Committee: Criminal Justice

Complete to 5-13-13

A SUMMARY OF HOUSE BILL 4083 AS REPORTED 5-8-13

The bill would create the Michigan Crime Stoppers Act. Under this new act, a county board of commissioners could designate a non-profit entity to operate within the county as the official crime stoppers organization. The same entity could serve as the official organization for more than one county and so would not need to be headquartered in the designating county.

The bill would also require the courts to impose an additional \$10 assessment on individuals convicted of felonies and \$5 assessment for misdemeanors with the revenue to be distributed to the appropriate crime stoppers entity. (This is explained in more detail later.)

The revenue from assessments could be used only for the benefit of crime victims, as follows: (1) to pay rewards to persons who provide information regarding criminal activity, (2) to operate telephone and other communication systems to receive information from informants regarding criminal activity, or (3) for other purposes directly related to the operation of the crime stoppers organization for the benefit of crime victims.

Designation of Entity

If a county board of commissioners designated or discontinued a designation of an official crime stoppers organization, it would have to promptly notify the district court, circuit court, and each municipal court in the county.

Qualifying Entities

County commissioners could only designate an entity if the entity met all of the 10 criteria listed in the bill. These include requiring the entity to be a Michigan tax exempt 501(c)(3) corporation that is a full member of Crime Stoppers of the United States, Inc., that provides information received from informants to police agencies within that county to identify and apprehend individuals who have committed crimes against individuals.

The entity must also: have a board of directors that meets at least quarterly; perform an annual independent audit made available to the public; not use caller identification for any telephone service on which information about criminal activity is received; protect the anonymity of informants; have procedures for determining the payment of rewards and protecting the anonymity of recipients; maintain certain statistical data about

rewards, the results obtained from information provided to law enforcement agencies, including the number and nature of anonymous tips and any corresponding criminal charges filed; and operate so as to protect the dignity and privacy of crime victims.

Exemption from Freedom of Information Act

Information about any specific award paid by a designated crime stoppers entity would not be subject to the Freedom of Information Act.

Assessments

Assessments would be made when an individual was charged with an offense that is a felony or a misdemeanor, including an ordinance violation, and the offense was resolved by conviction, assignment of the defendant to youthful trainee status, a delayed sentence, or a deferred entry of judgment of guilt, or in another way that is not an acquittal or unconditional dismissal.

As noted earlier, the assessment would be \$5 for a misdemeanor, including an ordinance violation, and \$10 for a felony. The court could order a defendant to pay only one assessment per criminal case. Payment of the assessment would be a condition of a probation order or a parole order. If a defendant posted a cash bond or bail deposit, the court would order the assessment collected out of that bond or deposit. The assessment would be in addition to any other fine, penalty, cost, fee, or assessment otherwise required. The court could not suspend the payment of a required fee. The bill specifies that the assessment would be an assessment against a convicted defendant as authorized under Section 24 of Article I of the State Constitution.

Distribution of Assessments

The clerk of the court would collect the assessments and could retain up to 10% as an administrative fee. The remainder would be forwarded on a monthly basis to the official crime stoppers organization.

Assessments received by a crime stoppers organization would have to be recorded and maintained separately from any other funds it received.

FISCAL IMPACT:

As noted above, the bill requires courts to collect a new assessment but allows them to retain 10% of the assessment for administrative expenses. Revenue from the assessment goes to a private crime stoppers organization. A fiscal analysis is in process.

POSITIONS:

Representatives of the following associations and organizations offered oral or written testimony in support of, or indicated support for, the bill:

Crime Stoppers of Michigan
Detroit Police Department

Federal Mogul
Detroit Technologies, Inc.
Kent County Silent Observer
City of Grand Rapids Police
Michigan Crime Stoppers Council
Bay County Crime Stoppers
Berrien County Sheriff
Cass County Prosecutor's Office
Prosecuting Attorney's Association of Michigan
Beaverton City Police
Gladwin City Police
Gladwin Crime Stoppers
The Monroe County Prosecutor
Mid-Michigan Crime Stoppers
Grand Rapids Area Chamber of Commerce
Detroit Regional Chamber
Cadillac Area Silent Observer
Kalamazoo Silent Observer
Silent Observer of Barry County
Ionia County Silent Observer
Iosco County Crime Stoppers
Northern International Crime Stoppers
Silent Observer - Grand Rapids
Livingston County Sheriff Department
Kent County Sheriff Department
Northville Police Department
The Michigan Chamber of Commerce

The Department of State Police indicated a neutral position on the bill. (4-24-13)

The following indicated, testified, or submitted written testimony in opposition to the bill:

The State Court Administrative Office
The Michigan Association of Chiefs of Police
The ACLU of Michigan

Legislative Analyst: Susan Stutzky
Chris Couch
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.