

HOUSE BILL No. 5932

September 20, 2012, Introduced by Rep. Lori and referred to the Committee on Judiciary.

A bill to create the Michigan crime stoppers act; to provide for the designation of crime stoppers organizations within counties for purposes of the act; to provide for the imposition and expenditure of certain assessments; and to provide for certain powers and duties of certain public and private officials and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan crime stoppers act".

3 Sec. 2. The board of commissioners of a county may designate 1
4 entity that meets the requirements of section 3 to operate within
5 that county as the official crime stoppers organization for that
6 county. The entity is not required to be headquartered within that

1 county in order to be designated as the certified crime stoppers
2 organization for that county. More than 1 county board of
3 commissioners may designate a specific crime stoppers organization
4 as the crime stoppers organization for that respective county. If
5 the board of commissioners of a county designates or discontinues
6 the designation of an official crime stoppers organization for that
7 county, the board of commissioners shall promptly notify the
8 district court, circuit court, and each municipal court in that
9 county of that designation or discontinuation.

10 Sec. 3. (1) The county board of commissioners of a county may
11 designate an entity under section 2 to operate as the official
12 crime stoppers organization for that county only if all of the
13 following apply:

14 (a) The entity provides information received from informants
15 to police agencies within that county to identify and apprehend
16 individuals who have committed crimes against victims.

17 (b) The entity has a board of directors that meets at least
18 quarterly.

19 (c) The entity performs an independent annual audit that is
20 made available to the public.

21 (d) The entity does not use caller identification for any
22 telephone service on which information regarding criminal activity
23 is received.

24 (e) The entity protects the anonymity of informants who
25 provide information to the entity regarding criminal activity.

26 (f) The entity is a full member of crime stoppers of the
27 United States of America, inc.

1 (g) The entity is a Michigan corporation that is tax-exempt
2 under section 501(c)(3) of the United States internal revenue code.

3 (h) If the entity pays rewards for receiving information
4 regarding criminal activity, the entity has procedures for
5 determining the payment of those rewards and for protecting the
6 anonymity of the individuals who receive those awards.

7 (i) The entity maintains statistical data regarding all of the
8 following:

9 (i) If rewards are given, the number and the amounts of those
10 rewards.

11 (ii) The results obtained from information that was provided to
12 law enforcement agencies by the certified crime stoppers
13 organization, including the number and nature of anonymous tips
14 forwarded to law enforcement and any corresponding criminal charges
15 that were filed.

16 (j) The entity is engaged in activities directed at
17 identifying criminal suspects for the benefit of crime victims in a
18 manner that protects the dignity and privacy of crime victims,
19 including, but not limited to, providing a crime tips hotline and
20 offering rewards for information leading to the arrest and charging
21 of persons responsible for crimes.

22 (2) Information regarding any specific award paid by an entity
23 designated as an official crime stoppers organization under this
24 act is not subject to disclosure under the freedom of information
25 act, 1976 PA 442, MCL 15.231 to 15.246.

26 Sec. 4. (1) When an individual is charged with an offense that
27 is a felony or a misdemeanor, including an ordinance violation,

1 that is resolved by conviction, assignment of the defendant to
2 youthful trainee status, a delayed sentence, or a deferred entry of
3 judgment of guilt, or in another way that is not an acquittal or
4 unconditional dismissal, the court shall assess and the individual
5 shall pay an additional assessment as follows:

6 (a) If the offense is a misdemeanor, including an ordinance
7 violation, \$5.00.

8 (b) If the offense is a felony, \$10.00.

9 (2) The court shall order a defendant to pay only 1 assessment
10 under subsection (1) per criminal case. Payment of the assessment
11 shall be a condition of a probation order entered under chapter XI
12 of the code of criminal procedure, 1927 PA 175, MCL 771.1 to
13 771.14a, or a parole order under section 36 of the corrections code
14 of 1953, 1953 PA 232, MCL 791.236. If the defendant posted a cash
15 bond or bail deposit in connection with the case, the court shall
16 order the assessment collected out of that bond or deposit as
17 provided in section 15 of chapter V and section 22 of chapter XV of
18 the code of criminal procedure, 1927 PA 175, MCL 765.15 and 775.22,
19 or section 6 or 7 of 1966 PA 257, MCL 780.66 and 780.67. The
20 assessment under subsection (1) shall be in addition to any other
21 fine, penalty, cost, fee, or assessment otherwise required to be
22 imposed by the court. The court shall not suspend the payment of a
23 fee required under this section. The assessment under subsection
24 (1) is an assessment against convicted defendants authorized under
25 section 24 of article I of the state constitution of 1963.

26 (3) The clerk of the court shall collect all assessments under
27 this section. The clerk of the court may retain not more than 10%

1 of assessments collected under this section as an administrative
2 fee. The clerk of the court shall forward the balance of the
3 assessments collected under this section on a monthly basis to the
4 entity designated to be the official crime stoppers organization
5 for the county in which those violations were committed.

6 (4) If the court is notified by the board of commissioners of
7 a county that a different crime stoppers organization has been
8 designated as the official crime stoppers organization for that
9 county, the clerk of the court shall forward all assessments
10 collected on and after the date of notification to that other crime
11 stoppers organization. If the court is notified by the board of
12 commissioners of a county that the designation of an organization
13 as the official crime stoppers organization for a county has been
14 discontinued but no other organization has been named to succeed
15 that organization as the official crime stoppers organization for
16 the county, the court shall discontinue the collection of
17 assessments under this act until a successor organization is named,
18 but shall distribute the assessments already collected to the
19 previously designated organization.

20 Sec. 5. Assessments received by a crime stoppers organization
21 under this act shall be recorded and maintained separately from any
22 other funds received by that organization.

23 Sec. 6. Assessments received by a crime stoppers organization
24 under this act shall be used only for the following purposes for
25 the benefit of crime victims:

26 (a) To pay rewards to persons who provide information
27 regarding criminal activity to that crime stoppers organization.

1 (b) To operate telephone and other communications systems to
2 receive information from informants regarding criminal activity.

3 (c) Other purposes directly related to the operation of the
4 entity as a crime stoppers organization for the benefit of crime
5 victims.

6 Sec. 7. As used in this act, "convicted" means a determination
7 of guilt that is the result of a trial or the entry of a plea of
8 guilty or nolo contendere, regardless of whether adjudication is
9 withheld.