

Judicial Information Systems

District Court System

December 2012

DCS CRIME VICTIMS REPORT AND CRIME VICTIM RIGHTS ASSESSMENT REPORT (CVR-606) CRITERIA

2011 Public Act 294 amended MCL 780.901 and 780.905, requiring the \$75.00 crime victim assessment on **all misdemeanor convictions** (one assessment per case). In DCS, the cash code for the assessment is MYCV (CRIME VICTIM RIGHTS ASSESSMENT). The separate categories of serious and specified misdemeanors were eliminated. This act became effective for adjudications and deferrals occurring on and after April 1, 2012.

The assessment amount was determined by whether the **original** charge was a misdemeanor or felony from January 1, 2006 – March 31, 2012. A conviction during this time frame on a case with an **original** felony charge would be assessed the felony assessment amount. As of April 1, 2012 the assessment amount is determined by the **convicted** charge. The maximum charge a defendant in district court can be convicted of is a misdemeanor, so all convictions on or after April 1, 2012 should result in a \$75.00 assessment.

Statute File Inquiry & Update Screen

No changes will be made to the screen at this time and the *Crime Victim Reportable* field will still be displayed. The field is used to determine what charges were crime victim reportable with dispositions prior to April 1, 2012. The field is **not** used in the program for dispositions occurring on or after April 1, 2012. However, edits on the screen require the field to be marked for a felony level charge. If adding a felony charge code, you will still have to mark the field with an **S**=Serious.

Crime Victims Report Traffic/Criminal As Required Reports Screen and Court Wide Cash Report Screen Edits

The report can be requested on the *Traffic/Criminal As Required Reports* screen and the *Court Wide Cash Report Screen*. When the report is requested, two different reports will generate: **Crime Victims Report** and **Crime Victim Rights Assessment Report (CVR-606)**. The Crime Victim Rights Assessment Report (CVR-606) is submitted monthly to the Michigan Department of Community Health.

Date range criteria are used on the *Traffic/Criminal As Required Reports* screen and the *Court Wide Cash Report Screen*. Help text (Alt + F1) is available on both screens which describe the reports.

1. The date range cannot exceed a 12 month period on *Traffic/Criminal As Required Reports* screen. The date range has no limit on the *Court Wide Cash Report Screen*.
2. If the report is requested for a date range which ends prior to April 1, 2012 the current version of the Crime Victims Report will be used. On the *Work with Output Queue* screen the *File* column will display **VICTIM** and the *User Data* column will display **TCRCVA**.

Judicial Information Systems

District Court System

December 2012

3. If the report is requested for a date range with a begin date of April 1, 2012 or later, the new version of the Crime Victims Report will be used. On the *Work with Output Queue* screen the *File* column will display **VICTIM** and the *User Data* column will display **TCRCVA2012**.
4. If the user requests a date range which overlaps April 1, 2012 (i.e. a begin date prior to April 1, 2012 and an end date of April 1, 2012 or greater) on either reports screen, the following message will display: **INVALID RANGE-CANNOT OVERLAP 4/1/2012**

Crime Victims Report Appearance Changes

1. No changes have been made to the report when the date range ends prior to April 1, 2012.
2. If the date range begins April 1, 2012 or greater, the **PAAM CODE** column is replaced with the **CHARGE CODE** column. This column will display the current or convicted Charge code from your Statute File.

Criteria for a Case to Appear on the Crime Victims Report with a Date Range Beginning April 1, 2012 or Greater

NOTE: Beginning with adjudications or deferrals entered April 1, 2012, the crime victim fee amount (\$75.00 for misdemeanor convictions) is assessed based on the convicted charge, not the original charge. There should only be one crime victim assessment on a case.

Cases Appearing Without An Asterisk

1. Convicted *Charge* code for dispositions on or after 4/1/12 is marked as an **F** or **M** in the *Fel/Mis/Civ* field on the *Statute File Inquiry & Update* screen.
2. Qualifying convicted *Charge* code disposed on or after 4/1/12 was sentenced and MYCV (CRIME VICTIM RIGHTS ASSESSMENT) assessed and/or paid.
3. The charge must have a guilty-type disposition (DS01, 02, 03, 04, 14, or 15) including deferrals or a not-guilty type disposition (DS08, 25, or 26) after a deferral.

Cases Appearing With An Asterisk – Possible Assessment Errors

A case may appear on the list with an **asterisk (*)** next to the CHARGE CODE if the case did not meet all of the criteria for the report. These cases should be reviewed to determine if they were properly assessed. Reasons why a case may have an asterisk are listed below:

1. *Offense Date* is prior to 10/31/89 and MYCV was assessed.
2. A case with a guilty/deferral disposition date prior to 1/1/06 and MYCV was assessed.
3. A case where the original charge, which was **not** Crime Victim reportable prior to 4/1/12, is disposed prior to 4/1/12, and sentenced, assessed and/ or paid MYCV 4/1/12 or later.

Judicial Information Systems

District Court System

December 2012

4. Convicted *Charge* code is marked as a **C** in the *Fel/Mis/Civ* field on the *Statute File Inquiry & Update* screen and MYCV was assessed or paid
5. Qualifying convicted *Charge* code disposed on or after 4/1/12 with guilty disposition and was sentenced, but MYCV was not assessed or paid.
6. A guilty disposition exists, but there is a negative MYCV assessment.
7. MYCV was paid, there is no disposition or the guilty/not guilty disposition is after the report end date.
8. Multiple counts on the case have an MYCV assessment.
9. Payable Misdemeanors (*Charge* code is marked as *Payable Misdemeanor*)
 - a. Disposed prior to 4/1/12 with guilty disposition and MYCV was assessed and/or paid.
 - b. Disposed prior to 4/1/12 with guilty disposition, sentenced on or after 4/1/12 and MYCV was assessed and/or paid.
10. The charge was disposed with a not-guilty disposition (excluding ones after deferrals) and MYCV was assessed and/or paid.
11. The case is pending and MYCV was assessed **and** paid.

Instances where Cases will not appear on the Crime Victims Report with a Date Range Beginning April 1, 2012 or Greater

Cases Not Appearing On Report

1. A pending case where MYCV is not assessed or paid.
2. A case which is still pending or was disposed after report end date and MYCV was assessed, but not paid.
3. A case where the original charge, which was **not** crime victim reportable prior to 4/1/12, is disposed prior to 4/1/12, sentenced 4/1/12 or later, and MYCV was not assessed.
4. A case where the charge is crime victim reportable, disposed with a guilty disposition after 4/1/12, but not yet sentenced. The case will be included as part of the total on the Crime Victim Rights Assessment Report (CVR-606), item 4, Total number of assessable convictions. No audit of cases is provided for the total appearing in item 4.
5. A case where MYCV is pre-assessed, a not-guilty disposition is entered, and the MYCV assessment is removed.