

CRIME VICTIM'S RIGHTS ACT (EXCERPT)
Act 87 of 1985

***** 780.831.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 1, 2006 *****

780.831.amended Profit from sale of recollections of thoughts and feelings of person convicted; misdemeanor; forfeiture; escrow account; distribution of proceeds.

Sec. 81. (1) A person convicted of a serious misdemeanor shall not derive any profit from the sale of any of the following until the victim receives any restitution or compensation ordered for him or her against the defendant, expenses of incarceration are paid under subsection (3), and any balance in the escrow account created under subsection (2) is paid under subsection (4):

- (a) The person's recollections of or thoughts or feelings about the offense committed by the person.
- (b) Memorabilia related to the offense committed by the person.
- (c) The person's property if its value has been enhanced or increased by the person's notoriety.

(2) Upon the conviction of a defendant for a serious misdemeanor involving a victim, and after notice to all interested parties, an attorney for the county in which the conviction occurred or the attorney general may petition the court in which the conviction occurred to order that the defendant forfeit all or any part of proceeds received or to be received by the defendant or the defendant's representatives or assignees from any of the following:

(a) Contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment.

(b) The sale of memorabilia relating to the crime.

(c) The sale of property of the defendant, the value of which has been enhanced or increased by the defendant's notoriety arising from the crime.

(3) Proceeds ordered forfeited under subsection (2) shall be held in an escrow account for a period of not more than 5 years.

(4) During the existence of an escrow account created under subsection (3), proceeds in the account shall be distributed in the following priority to satisfy the following:

(a) An order of restitution entered under section 76.

(b) Any civil judgment in favor of the victim against the defendant.

(c) Any reimbursement ordered under the prisoner reimbursement to the county act, 1984 PA 118, MCL 801.81 to 801.93, or ordered under the state correctional facility reimbursement act, 1935 PA 253, MCL 800.401 to 800.406.

(d) Fines, costs, and other assessments ordered against the defendant.

(5) A balance remaining in an escrow account created under subsection (3) at the end of the escrow period shall be paid to the crime victim's rights fund created in section 4 of 1989 PA 196, MCL 780.904.

History: Add. 1988, Act 21, Eff. June 1, 1988;—Am. 1996, Act 562, Eff. June 1, 1997;—Am. 2005, Act 184, Eff. Jan. 1, 2006.