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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 5300 (as reported without amendment)

Sponsor: Representative Richard A. Young

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 3-5-90

RATIONALE

Filing fees for the Court of Appeals are set by statute, but traditionally have been the same as those for the Supreme Court, which are set by court rule. The Supreme Court recently raised its fees and some feel that the Court of Appeals' fees should be increased to conform with the Supreme Court's fees, as well as to generate additional revenue to cover the Appeals Court's expenses.

Act to double filing fees for the Court of Appeals. The fee for an appeal as of right, an application for leave to appeal, or an original proceeding would be raised to \$200 from \$100. The fee for entry of a motion would increase to \$50 from \$25. The bill would take effect on April 1, 1990.

MCL 600.321

CONTENT

The bill would amend the Revised Judicature

FISCAL IMPACT

The bill would raise revenues to the Court of Appeals and would have no fiscal impact on local units of government. The following filing fee data are available:

**1989 Summary of Filings
And Revenue Estimates**

	<u>Cases</u>	<u>% Waived</u>	<u>Fee Revenue</u>	<u>Increased* Caseload</u>	<u>Increased Revenue</u>
Civil	5,152	7.0	\$ 480,600	20.0%	\$ 96,120
Criminal	5,799	95.0	29,000	20.0%	5,800
TOTAL	10,951		\$509,600		\$101,900
Fee Inc. Factor			x 2		x 2
TOTAL			\$1,019,200		\$203,800

* Court Estimate

Assumptions:

1. Estimated % increase is the same for both criminal and civil cases.
2. Proportion of cases waived for civil and criminal cases will remain the same.

H.B. 5300 (3-5-90)

As the above analysis shows, total revenue collected from filing fees would be \$1,223,000. This reflects \$713,400 over fiscal year 1989 collections. Although data are not available at this time for motion fees, if the same assumptions made for filing fees were applied to motion fees, motion fee revenue would increase \$132,750 over the \$94,750 collected in 1989.

ARGUMENTS

Supporting Argument

The bill's fee increases are modest considering administrative costs and the expenses presented by the recent increase in the size of the court, which was enlarged from 18 to 24 judges by Public Act 279 of 1986. Further, the proposed increases would not affect the accessibility of justice because filing fees are only a small part of the costs of an appeal, often are waived in criminal appeals brought by indigent defendants, and can be recovered if a successful appellant is awarded costs. Finally, under the bill, filing fees for the Court of Appeals would once again be uniform with those of the Supreme Court.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.