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## SERVICE OF PROCESS: FAILURE TO MAKE PROOF OF SERVICE

House Bill 5070

Sponsor: Rep. Ruth Ann Jamnick

Committee: Civil Law and the Judiciary

Complete to 11-6-01

### A SUMMARY OF HOUSE BILL 5070 AS INTRODUCED 9-20-01

The Revised Judicature Act (RJA) specifies that any process or order issued by a court of record, or any complaint or other paper that is delivered to a sheriff's office, must be served on a defendant "with all convenient speed." The act also specifies that the validity of the service is not affected by failure to make proof of service (proof of service can be made by written acknowledgment of receiving a summons and a copy of the complaint; or by certificate, if service is made by a sheriff, medical examiner, bailiff, or constable, or a deputy of these officers). House Bill 5070 would delete this latter provision, so that failure to make service upon a defendant *would* affect the validity of the service.

MCL 600.1910

House Bill 5070 (11-6-01)

Analyst: R. Young

■ 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.