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House Bill 4737 (Substitute S-1 as reported)  
Sponsor: Representative Steve Bieda  
House Committee: Judiciary  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend provisions of the Revised Judicature Act (RJA) pertaining to fees enacted by Public Act 138 of 2003 (House Bill 4748), which will take effect on October 1, 2003. The bill would do all of the following:

- Include the filing of a writ in the requirement that a fee be paid for certain probate court filings. (The fee is scheduled to increase from \$15 to \$20 on October 1 and must be paid by a person filing a motion, petition, account, objection, or claim after a civil action or proceeding is commenced in probate court.)
- Specify that the requirement that a portion of a child support collection fee be deposited into the new Attorney General's Operation Fund would apply to fees assessed on or after October 1, 2003. (The monthly fee will increase from \$1.25 to \$1.50 on October 1, and the additional 25 cents must be deposited in the Fund.)
- Provide that a district court motion fee could not be assessed in a civil infraction action.
- Delete requirements that circuit and district court clerks submit filing fee reports to the executive secretary of the Michigan Judges Retirement System at the same time the clerks transmit to the executive secretary the portion of certain fees collected under the RJA. (Public Act 138 deleted the requirement that the court clerks transmit portions of certain fees to the executive secretary of the retirement system.)

In addition, under the RJA, unless otherwise provided for by law, if a person incurs a penalty for an act or omission that is not also a misdemeanor, the penalty may be recovered in a civil action. The bill specifies instead that, unless otherwise provided for by law, if a person incurred a penalty, fee, or costs for an act or omission that was not also a misdemeanor, the penalty, fee, or costs could be recovered in the same manner as civil judgments for money in the same court.

MCL 600.880b et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have no fiscal impact on the State or local units of government. The bill would eliminate provisions that became obsolete due to fee legislation enacted in July 2003, and would clarify the application and distribution of fees. The July 2003 legislation will increase revenue for the judiciary and other criminal justice agencies by raising civil filing fees, motion fees, and civil infraction assessments.

The bill would not affect the revenue estimate related to the July 2003 legislation.

Date Completed: 9-17-03

Fiscal Analyst: Bill Bowerman

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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.