

# HOUSE BILL No. 4732

(As amended June 18, 2003)

May 22, 2003, Introduced by Rep. Howell and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 777.69) by adding section 1j to chapter IX.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER IX

Sec. 1j. (1) Beginning October 1, 2003, if the court orders  
a person convicted of an offense to pay any combination of a  
fine, costs, or applicable assessments, the court shall order  
that the person pay costs of not less than the following amount,

as applicable:

(a) \$60.00, if the defendant is convicted of a felony.

(b) \$45.00, if the defendant is convicted of a serious  
misdemeanor or a specified misdemeanor.

(c) [\$40.00], if the defendant is convicted of a misdemeanor  
not described in subdivision (b).

## House Bill No. 4732 as amended June 18, 2003

1 (2) Of the costs ordered to be paid by a person convicted of  
2 an offense, the clerk shall pay to the justice system fund  
3 created in section 181 of the revised judicature act of 1961,  
4 1961 PA 236, MCL 600.181, the applicable amount specified as a  
5 minimum cost under subsection (1).

6 (3) Payment of the minimum state cost is a condition of [ ]  
7 probation under chapter XI of this act.

8 (4) If a defendant who is ordered to pay a minimum state cost  
9 under subsection (1) posts a cash bond or bail deposit in  
10 connection with the case, the court shall order that the minimum  
11 state cost be collected out of the bond or deposit as provided in  
12 section 15 of chapter V of this act or section 6 or 7 of 1966  
13 PA 257, MCL 780.66 and 780.67.

14 (5) If a defendant who is ordered to pay a minimum state cost  
15 under this section is subject to any combination of fines, costs,  
16 restitution, assessments, or payments arising out of the same  
17 criminal prosecution, money collected from that person for the  
18 payment of fines, costs, restitution, assessments, or other  
19 payments shall be allocated as provided in section 22 of chapter  
20 XV. [A fine imposed for a felony, misdemeanor, or ordinance violation  
shall not be waived unless costs, other than the minimum cost ordered  
under subsection (2), are waived.]

21 (6) On the last day of each month, the clerk of the court  
22 shall transmit the minimum state cost or portions of minimum  
23 state cost collected under this section to the department of  
24 treasury for deposit in the justice system fund created in  
25 section 181 of the revised judicature act of 1961, 1961 PA 236,  
26 MCL 600.181.

27 (7) As used in this section:

1       (a) "Felony" means a violation of a penal law of this state  
2 for which the offender may be punished by imprisonment for more  
3 than 1 year or an offense expressly designated by law to be a  
4 felony.

5       (b) "Minimum state cost" means the applicable minimum cost to  
6 be ordered for a conviction under subsection (1).

7       (c) "Serious misdemeanor" means that term as defined in  
8 section 61 of the crime victim's rights act, 1985 PA 87,  
9 MCL 780.811.

10       (d) "Specified misdemeanor" means that term as defined in  
11 section 1 of 1989 PA 196, MCL 780.901.

12       Enacting section 1. This amendatory act takes effect  
13 October 1, 2003.