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House Bill 5023 (Substitute H-4 as passed by the House)

House Bill 5145 (Substitute H-1 as passed by the House)

Sponsor: Representative Dave Hildenbrand (H.B. 5023)

Representative Glen Steil, Jr. (H.B. 5145)

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 11-29-05

CONTENT

The bills would amend Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to do all of the following:

- Require a court to impose certain costs at the time of sentencing, deferred judgment, or delayed sentencing on a person who was convicted of, or had pleaded guilty or no contest to, a criminal offense.**
- Allow the court to impose any other fine, cost, expense, assessment, or reimbursement at the time of sentencing, deferred judgment, or delayed sentencing.**
- Allow the court to require those costs, fines, or assessments to be paid by wage assignment or collected at any time.**
- If the convicted person were incarcerated, provide for the sheriff or Department of Corrections (DOC) to deduct amounts from funds received by the prisoner to pay costs, fines, or assessments.**

The bills would take effect January 1, 2006. House Bill 5145 (H-1) is tie-barred to House Bill 5023.

House Bill 5023 (H-4)

Under the bill, if a defendant entered a plea of guilty or nolo contendere (no contest), or if the court determined after a hearing or trial that the defendant was guilty, both of the following would apply at the time of sentencing, deferred entry of judgment of guilt pursuant to statute, or delayed sentencing pursuant to statute:

- The court would have to impose the minimum State costs, as set forth in Section 1j of Chapter IX.
- The court could impose any fine, any cost in addition to the minimum State cost, the expenses of providing legal assistance to the defendant, any assessment authorized by law, and/or any reimbursement under Section 1f of Chapter IX.

This provision would apply regardless of whether the defendant was placed on probation, probation was revoked, or the defendant was discharged from probation.

The court could require the defendant to pay by wage assignment any of the fines, costs, or assessments ordered to be paid under the bill. The court could provide for the amounts imposed under the bill to be collected at any time.

(Under Section 1j, if the court orders a convicted person to pay any combination of a fine, costs, or assessment, it also must order the person to pay minimum State costs of \$60 for a felony conviction, \$45 for a serious misdemeanor or specified misdemeanor conviction, and \$40 for any other misdemeanor conviction.

Section 1f allows the court to order a person convicted of certain offenses to reimburse the State or a local unit of government for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person.)

House Bill 5145 (H-1)

Under the bill, if a defendant who had been ordered to pay any fine, cost, or assessment under House Bill 5023 (H-4) were incarcerated, the sheriff or DOC would have to deduct 50% of the funds received by the defendant in a month over \$50 for payment of the fine, cost or assessment, if ordered by the court on a form prescribed by the State Court Administrative Office. The sheriff or DOC promptly would have to forward the fine, cost, or assessment as provided in the order when the amount exceeded \$100, or the entire amount if the defendant were released from custody. The sheriff or DOC would have to give priority to an order of restitution under the Corrections Code or the Crime Victim's Rights Act over an order received under House Bill 5145 (H-1).

Proposed MCL 769.1k (H.B. 5023)
Proposed MCL 769.1l (H.B. 5145)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5023 (H-4)

This bill would have an indeterminate impact on State resources. The bill would allow judges to impose additional fines on defendants, and would increase the number of defendants subject to these fines. There are no data to indicate the extent to which judges currently impose additional fines, or how many additional defendants might be fined. To the extent that the bill would increase the fines imposed and collected, it would increase State and local revenue.

House Bill 5145 (H-1)

This bill would allow the sheriff or Department of Corrections to collect additional money from prisoner accounts for court fines and assessments. Victim restitution would be prioritized ahead of fine, cost, or assessment collection. This could improve the courts' ability to collect these fees. While the total number of prisoners this may affect is unknown, the Department of Corrections shows that there are 7,395 victim restitution orders against individuals currently located in a correctional facility.

Fiscal Analyst: Lindsay Hollander
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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.