

# HOUSE BILL No. 5145

September 8, 2005, Introduced by Rep. Steil 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 1k to chapter IX.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER IX

SEC. 1K. (1) IF A DEFENDANT ENTERS A PLEA OF GUILTY OR NOLO  
CONTENDERE OR THE COURT HAS DETERMINED AFTER A HEARING OR TRIAL  
THAT THE DEFENDANT IS GUILTY, THE COURT MAY IMPOSE AND COLLECT ANY  
OF THE FOLLOWING AT THE TIME OF SENTENCING OR, IF ENTRY OF JUDGMENT  
OF GUILT IS DEFERRED OR SENTENCING IS DELAYED, AT THE TIME THE  
ENTRY OF THE JUDGMENT OF GUILT IS DEFERRED OR SENTENCING IS  
DELAYED, OR AT ANY TIME AFTER SENTENCING OR AFTER THE JUDGMENT OF  
GUILT IS DEFERRED OR SENTENCING IS DELAYED:

1 (A) ANY FINE.

2 (B) ANY COST, INCLUDING, BUT NOT LIMITED TO, A MINIMUM STATE  
3 COST SET FORTH IN SECTION 1J OF THIS CHAPTER.

4 (C) THE COST OF PROVIDING LEGAL ASSISTANCE TO THE DEFENDANT.

5 (D) ANY ASSESSMENT AUTHORIZED BY LAW, INCLUDING A  
6 REIMBURSEMENT SET FORTH IN SECTION 1F OF THIS CHAPTER OR A CRIME  
7 VICTIM RIGHTS ASSESSMENT UNDER SECTION 5 OF 1989 PA 196, MCL  
8 780.905.

9 (2) SUBSECTION (1) APPLIES REGARDLESS OF WHETHER THE DEFENDANT  
10 IS PLACED ON PROBATION, PROBATION IS REVOKED, OR THE DEFENDANT IS  
11 DISCHARGED FROM PROBATION.

12 (3) THE COURT MAY REQUIRE THE DEFENDANT TO PAY ANY FINE, COST,  
13 OR ASSESSMENT ORDERED TO BE PAID UNDER SUBSECTION (1) BY WAGE  
14 ASSIGNMENT.

15 (4) IF A DEFENDANT WHO HAS BEEN ORDERED TO PAY ANY FINE, COST,  
16 OR ASSESSMENT UNDER SUBSECTION (1) IS INCARCERATED, THE SHERIFF OR  
17 DEPARTMENT OF CORRECTIONS SHALL DEDUCT 50% OF THE FUNDS RECEIVED BY  
18 THE DEFENDANT IN A MONTH OVER \$50.00 FOR PAYMENT OF THE FINE, COST,  
19 OR ASSESSMENT IF ORDERED BY THE COURT ON A FORM PRESCRIBED BY THE  
20 STATE COURT ADMINISTRATIVE OFFICE. THE SHERIFF OR DEPARTMENT OF  
21 CORRECTIONS SHALL PROMPTLY FORWARD THE FINE, COST, OR ASSESSMENT AS  
22 PROVIDED IN THE ORDER WHEN THE AMOUNT EXCEEDS \$100.00, OR THE  
23 ENTIRE AMOUNT IF THE DEFENDANT IS RELEASED FROM CUSTODY. THE  
24 SHERIFF OR DEPARTMENT OF CORRECTIONS SHALL GIVE AN ORDER OF  
25 RESTITUTION UNDER SECTION 20H OF THE CORRECTIONS CODE OF 1953, 1953  
26 PA 232, MCL 791.220H, OR THE CRIME VICTIM'S RIGHTS ACT, 1985 PA 87,  
27 MCL 780.751 TO 780.834, PRIORITY OVER AN ORDER RECEIVED UNDER THIS

1 SUBSECTION.