

Legislative Analysis



EXEMPT PROSECUTORS FROM PAYING CERTAIN COURT FEES

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House Bill 5371

Sponsor: Rep. Bob Constan

Committee: Judiciary

Complete to 4-20-10

A SUMMARY OF HOUSE BILL 5371 AS INTRODUCED 9-15-09

The bill would exempt county prosecutors from paying certain court fees.

Under the Revised Judicature Act, certain fees are required to be paid to the clerk of the court where the motion or petition is filed. Under the bill, a county prosecutor would be exempt from paying the following fees:

****** To the clerk of the Court of Appeals, the fee of \$375 for filing an appeal as of right, an application for leave to appeal, or for an original proceeding; \$100 (\$75 beginning Oct. 1, 2012) upon the entry of any motion; or \$200 (\$150 beginning Oct. 1, 2012) upon the entry of a motion for immediate consideration or a motion to expedite appeal upon the motion docket.

****** To the clerk of the Circuit Court, the sum of \$150 before the filing of a claim of appeal or motion for leave to appeal from the district court, probate court, a municipal court, or an administrative tribunal or agency. (Note: From each of these fees, the clerk must transmit \$31 to the county treasurer and the balance of the fee to the state treasurer for deposit in the Civil Filing Fee Fund.

****** To the clerk of the Circuit Court, the sum of \$25 upon appeal to the Court of Appeals or the Supreme Court.

MCL 600.321 and 600.2529

FISCAL IMPACT:

House Bill 5371 would have an indeterminate fiscal impact on the Judiciary. Prosecuting attorney's offices would realize a positive fiscal impact as the provisions of the bill would allow them to be exempt from paying various fees. By exempting the prosecuting attorneys from paying the Court of Appeals fees under MCL 600.321, the Michigan Court of Appeals has indicated that they would expect a drop in restricted revenue of \$50,000-\$60,000. The provisions of the bill further exempt the prosecuting attorneys from the \$25 motion fee for appealing to the Court of Appeals or the Supreme Court. While the county treasurer would realize a negative fiscal impact associated with not

receiving this fee, the county would realize an offsetting positive impact because the county would not have to fund the prosecuting office's payment of this fee.

Also, the provisions of the bill would exempt a prosecuting attorney from paying the fee for filing a claim of appeal or motion for leave to appeal from the district court, probate court, municipal court, or administrative tribunal. Of that \$150 fee, \$31 is deposited with the county treasurer and \$119 is deposited in the Civil Filing Fee Fund. While the county would lose the \$31 normally deposited with the county treasurer for each fee paid, the county would benefit by exempting the prosecuting attorneys from payment of the fee because the counties fund the prosecuting attorneys' offices.

The Civil Filing Fee Fund would experience \$119 in lost revenue for each fee exempt under the provisions of the bill. A large portion of the Civil Filing Fee Fund is deposited in the Court Equity Fund, which is used to reimburse counties for the operational expenses of trial courts. Therefore, any drop in revenue in the Civil Filing Fee Fund would be realized by courts throughout the state of Michigan.

Other areas both inside and outside of the court system that would experience reduced revenues due to the drop in revenue received by the Civil Filing Fee Fund include: Indigent Defense Centers, Dispute Resolution Centers, Judicial Information Technology Projects, Judges Retirement System (for funding judicial salaries via the Court Fee Fund if Judges Retirement System requires funding), Legislative Retirement System, and the State General Fund. Each of these categories receives a percentage of the Civil Filing Fee Fund distribution (See MCL 600.171). The Judiciary estimates that the Civil Filing Fee Fund would experience a drop in revenue of around \$50,000.

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■ 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.