

HOUSE BILL No. 5538

October 22, 2009, Introduced by Rep. Cushingberry and referred to the Committee on Appropriations.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 10 to chapter V.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

SEC. 10. (1) AN INMATE OR DEFENDANT WHO FURNISHES BOND OR BAIL
MONEY SHALL ALSO PAY ALONG WITH THAT BOND OR BAIL MONEY AN
ADDITIONAL FEE OF \$25.00. FEES COLLECTED UNDER THIS SECTION SHALL
BE TRANSMITTED BY THE PERSON OR AGENCY THAT COLLECTED THE FEES TO
THE COURT THAT FIXED THE BOND OR BAIL AMOUNT. AN INMATE OR
DEFENDANT WHO FAILS TO PAY A FEE OWED UNDER THIS SECTION AT THE
TIME THE BOND OR BAIL MONEY IS FURNISHED SHALL NOT BE DENIED BAIL
SOLELY FOR THAT REASON. HOWEVER, AN INMATE OR DEFENDANT WHO FAILS
TO PAY A FEE OWED UNDER THIS SECTION AT THE TIME BOND OR BAIL MONEY

1 IS FURNISHED IS RESPONSIBLE FOR A STATE CIVIL INFRACTION AND MAY BE
2 ORDERED TO PAY A CIVIL FINE OF \$100.00. AN APPEARANCE TICKET MAY BE
3 ISSUED TO A PERSON WHO FAILS TO PAY A FEE OWED UNDER THIS SECTION.
4 THE APPEARANCE TICKET MAY BE ISSUED BY THE SHERIFF OR A DEPUTY
5 SHERIFF. THE COUNTY PROSECUTOR FOR THE COUNTY IN WHICH THE JAIL IS
6 LOCATED IS RESPONSIBLE FOR ENFORCING THE STATE CIVIL INFRACTION. A
7 CIVIL FINE COLLECTED UNDER THIS SECTION SHALL BE PAID AS PROVIDED
8 UNDER SECTION 8831 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA
9 236, MCL 600.8831.

10 (2) ONCE EACH QUARTER, THE CLERK OF THE COURT SHALL TRANSMIT
11 THE TOTAL AMOUNT OF FEES RECEIVED UNDER SUBSECTION (1) TO THE
12 COUNTY CLERK, WHO SHALL DEPOSIT THE FEES IN A DEDICATED ACCOUNT TO
13 BE USED EXCLUSIVELY FOR PAYING THE ACTUAL EXPENSE OF PROVIDING
14 LEGAL COUNSEL TO INDIGENT CRIMINAL DEFENDANTS IN THAT COUNTY. IF,
15 AT THE CLOSE OF ANY COUNTY FISCAL YEAR, AN UNEXPENDED BALANCE
16 REMAINS IN THE DEDICATED FUND, THAT BALANCE SHALL BE TRANSMITTED BY
17 THE COUNTY CLERK TO THE STATE TREASURER FOR DEPOSIT IN THE INDIGENT
18 DEFENSE COUNSEL FUND CREATED IN SECTION 177 OF THE REVISED
19 JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.177.

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No.____ or House Bill No. 5539(request no.
22 03058'09 a) of the 95th Legislature is enacted into law.