

# Legislative Analysis



## COURT OF APPEALS MOTION FEES

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### House Bill 4731

**Sponsor: Rep. Kevin Cotter**

**Committee: Appropriations**

**Complete to 6-22-11**

## A SUMMARY OF HOUSE BILL 4731 AS INTRODUCED 6-9-11

The bill would amend Section 321 of the Revised Judicature Act to eliminate the sunset on certain motion fees paid to the court of appeals.

Under Section 321, upon the entry of a motion for consideration or a motion to expedite appeal upon the motion docket, the moving party must pay a fee of \$200.00 to the clerk of the court of appeals. Upon the entry for any other motion, the moving party must pay a fee of \$100.00 to the clerk of the court of appeals. Beginning October 1, 2012, the motion fees would sunset and be reduced to \$150.00 and \$75.00, respectively.

House Bill 4731 would eliminate the October 1, 2012 sunset and maintain the current motion fees.

### FISCAL IMPACT:

House Bill 4731 would maintain the current motion fees for the court of appeals by eliminating the October 1, 2012 sunset. The following table provides a brief history of motion fee collections:

Fiscal Year	Collections
2006-07	\$359,000
2007-08	343,000
2008-09	300,000
2009-10	284,000
2010-11	300,000
2011-12 (est.)	300,000

If the current motion fees were allowed to sunset on October 1, 2012, the court of appeals estimated a 25% annual drop in motion fee revenues. Therefore, if motion fee collection rates in FY 2012-13 remained at FY 2010-11 and FY 2011-12 levels and the motion fees were allowed to sunset, the court of appeals' motion fee collections would be reduced by approximately \$75,000.

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