

Act No. 296
Public Acts of 2011
Approved by the Governor
December 21, 2011
Filed with the Secretary of State
December 22, 2011
EFFECTIVE DATE: April 1, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 538

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 8381 (MCL 600.8381), as amended by 2003 PA 96.

The People of the State of Michigan enact:

Sec. 8381. (1) Until October 1, 2003, when fines and costs are assessed by a magistrate, a traffic bureau, or a judge of the district court, not less than \$9.00 shall be assessed as costs and collected for each conviction or civil infraction determination and each guilty plea or civil infraction admission except for parking violations. Of the costs assessed and collected, for each conviction or civil infraction determination and each guilty plea or civil infraction admission, \$9.00 shall be paid to the clerk of the district court.

(2) The clerk of the district court, on or before the fifteenth day of the month following the month in which costs are collected under subsection (1), shall transmit the following amounts:

(a) Until October 1, 2003, the clerk shall transmit 45 cents of the costs collected to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, and shall transmit \$8.55 of the costs collected to the state treasurer. Of each \$8.55 received, the state treasurer shall deposit 30 cents in the legislative retirement fund created by the Michigan legislative retirement system act, 1957 PA 261, MCL 38.1001 to 38.1080; \$4.25 in the court equity fund created under section 151b; and shall deposit the balance in the state court fund created by section 151a.

(b) Beginning October 1, 2003, the clerk shall transmit \$9.00 of any costs assessed before October 1, 2003 to the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(3) Until October 1, 2003, the clerk of the district court shall prepare and submit a court filing fee report to the executive secretary of the Michigan judges retirement system created by the judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to 38.2670, at the same time the clerk of the district court transmits the portion of the costs collected under this section to the executive secretary.

(4) Beginning October 1, 2003, when fines and costs are assessed by a judge or district court magistrate, the defendant shall be ordered to pay costs of not less than \$50.00 for each conviction for a misdemeanor or for any ordinance violation.

(5) Beginning October 1, 2003, when fines and costs are assessed by a judge or district court magistrate in a civil infraction action, the defendant shall be ordered to pay the state assessment required by section 8727 or 8827 of this act or by section 907 of the Michigan vehicle code, 1949 PA 300, MCL 257.907.

(6) As used in this section, "ordinance violation" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 175, MCL 761.1.

Enacting section 1. This amendatory act takes effect April 1, 2012.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 536 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 536, referred to in enacting section 2, was filed with the Secretary of State December 22, 2011, and became 2011 PA 294, Eff. Apr. 1, 2012.