

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 538

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8381 (MCL 600.8381), as amended by 2003 PA 96.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 fifteenth day of the month following the month in which costs are
2 collected under subsection (1), shall transmit the following
3 amounts:

4 (a) Until October 1, 2003, the clerk shall transmit 45 cents
5 of the costs collected to the executive secretary of the Michigan
6 judges retirement system created by the judges retirement act of
7 1992, 1992 PA 234, MCL 38.2101 to 38.2670, and shall transmit \$8.55
8 of the costs collected to the state treasurer. Of each \$8.55
9 received, the state treasurer shall deposit 30 cents in the
10 legislative retirement fund created by the Michigan legislative
11 retirement system act, 1957 PA 261, MCL 38.1001 to 38.1080; \$4.25
12 in the court equity fund created under section 151b; and shall
13 deposit the balance in the state court fund created by section
14 151a.

15 (b) Beginning October 1, 2003, the clerk shall transmit \$9.00
16 of any costs assessed before October 1, 2003 to the justice system
17 fund created in section 181 of the revised judicature act of 1961,
18 1961 PA 236, MCL 600.181.

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

26 (4) Beginning October 1, 2003, when fines and costs are
27 assessed by a judge or district court magistrate, the defendant

1 shall be ordered to pay costs of not less than ~~\$45.00~~ **\$50.00** for
 2 each conviction for a ~~serious~~ misdemeanor or a ~~specified~~
 3 ~~misdemeanor or costs of not less than \$40.00 for each conviction~~
 4 for any ~~other misdemeanor or ordinance~~ violation.

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

10 (6) As used in this section, +

11 ~~—— (a) "Ordinance"~~ **"ORDINANCE"** violation" means that term as
 12 defined in section 1 of chapter I of the code of criminal
 13 procedure, 1927 PA 175, MCL 761.1.

14 ~~—— (b) "Serious misdemeanor" means that term as defined in~~
 15 ~~section 61 of the crime victim's rights act, 1985 PA 87, MCL~~
 16 ~~780.811.~~

17 ~~—— (c) "Specified misdemeanor" means that term as defined in~~
 18 ~~section 1 of 1989 PA 196, MCL 780.901.~~

19 Enacting section 1. This amendatory act takes effect April 1,
 20 2012.

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