

SENATE BILL No. 538

June 29, 2011, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

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.

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

5 (a) Until October 1, 2003, the clerk shall transmit 45 cents
6 of the costs collected to the executive secretary of the Michigan
7 judges retirement system created by the judges retirement act of
8 1992, 1992 PA 234, MCL 38.2101 to 38.2670, and shall transmit \$8.55
9 of the costs collected to the state treasurer. Of each \$8.55
10 received, the state treasurer shall deposit 30 cents in the
11 legislative retirement fund created by the Michigan legislative
12 retirement system act, 1957 PA 261, MCL 38.1001 to 38.1080; \$4.25
13 in the court equity fund created under section 151b; and shall
14 deposit the balance in the state court fund created by section
15 151a.

16 (b) Beginning October 1, 2003, the clerk shall transmit \$9.00
17 of any costs assessed before October 1, 2003 to the justice system
18 fund created in section 181 of the revised judicature act of 1961,
19 1961 PA 236, MCL 600.181.

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

27 (4) Beginning October 1, 2003, when fines and costs are

1 assessed by a judge or district court magistrate, the defendant
2 shall be ordered to pay costs of not less than \$45.00 for each
3 conviction for a serious misdemeanor or a specified misdemeanor or
4 costs of not less than \$40.00 for each conviction for any other
5 misdemeanor or ordinance violation.

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

11 (6) As used in this section:

12 (a) "Ordinance violation" means that term as defined in
13 section 1 of chapter I of the code of criminal procedure, 1927 PA
14 175, MCL 761.1.

15 (b) "Serious misdemeanor" means that term as defined in
16 section 61 of the crime victim's rights act, 1985 PA 87, MCL
17 780.811.

18 (c) "Specified misdemeanor" means ~~that term as defined in~~
19 ~~section 1 of 1989 PA 196, MCL 780.901.~~ **A MISDEMEANOR VIOLATION OF**
20 **ANY OF THE FOLLOWING:**

21 (i) **SECTION 602A, 625(1) OR (3), 626, OR 904 OF THE MICHIGAN**
22 **VEHICLE CODE, 1949 PA 300, MCL 257.602A, 257.625, 257.626, AND**
23 **257.904.**

24 (ii) **SECTIONS 82127(1) OR (3), 81134(1) OR (2), 81135, OR**
25 **80176(1) OR (3) OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
26 **PROTECTION ACT, 1994 PA 451, MCL 324.82127, 324.81134, 324.81135,**
27 **AND 324.80176.**

1 (iii) SECTION 185 OF THE AERONAUTICS CODE OF THE STATE OF
2 MICHIGAN, 1945 PA 327, MCL 259.185.

3 (iv) PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
4 333.7401 TO 333.7461.

5 (v) SECTION 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998,
6 1998 PA 58, MCL 436.1701.

7 (vi) SECTION 353 OR 355 OF THE RAILROAD CODE OF 1993, 1993 PA
8 354, MCL 462.353 AND 462.355.

9 (vii) SECTION 174, 218, 356, 356D, 359, 362, 362A, 377A, 380,
10 479A, 535, OR 540E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
11 750.174, 750.218, 750.356, 750.356D, 750.359, 750.362, 750.362A,
12 750.377A, 750.380, 750.479A, 750.535, AND 750.540E.

13 (viii) A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW
14 LISTED IN SUBPARAGRAPHS (i) TO (vii).

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. 536

17 of the 96th Legislature is enacted into law.