

HOUSE BILL No. 5127

November 5, 2013, Introduced by Reps. Geiss, Cochran, Santana, LaVoy, Knezek, Brunner, Hobbs, Barnett, Schor and Nathan and referred to the Committee on Appropriations.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1j of chapter IX (MCL 769.1j), as amended by
2011 PA 293.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IX

Sec. 1j. (1) Beginning October 1, 2003, if the court orders a
person convicted of an offense to pay any combination of a fine,
costs, or applicable assessments, the court shall order that the
person pay costs of not less than the following amount, as
applicable:

(a) \$68.00, if the defendant is convicted of a felony.

1 (b) \$50.00, if the defendant is convicted of a misdemeanor or
2 ordinance violation.

3 (2) Of the costs ordered to be paid by a person convicted of
4 an offense, the clerk shall pay to the justice system fund created
5 in section 181 of the revised judicature act of 1961, 1961 PA 236,
6 MCL 600.181, the applicable amount specified as a minimum cost
7 under subsection (1).

8 (3) Payment of the minimum state cost is a condition of
9 probation under chapter XI. ~~of this act.~~

10 (4) If a defendant who is ordered to pay a minimum state cost
11 under subsection (1) posts a cash bond or bail deposit in
12 connection with the case, the court shall order that the minimum
13 state cost be collected out of the bond or deposit as provided in
14 section 15 of chapter V of this act or section 6 or 7 of 1966 PA
15 257, MCL 780.66 and 780.67.

16 (5) If a defendant who is ordered to pay a minimum state cost
17 under this section is subject to any combination of fines, costs,
18 restitution, assessments, or payments arising out of the same
19 criminal prosecution, money collected from that person for the
20 payment of fines, costs, restitution, assessments, or other
21 payments shall be allocated as provided in section 22 of chapter
22 XV. A fine imposed for a felony, misdemeanor, or ordinance
23 violation shall not be waived unless costs, other than the minimum
24 cost ordered under subsection (2), are waived.

25 (6) On the last day of each month, the clerk of the court
26 shall transmit the minimum state cost or portions of minimum state
27 cost collected under this section to the department of treasury for

1 deposit in the justice system fund created in section 181 of the
2 revised judiciary act of 1961, 1961 PA 236, MCL 600.181.

3 (7) BEGINNING ON JANUARY 1, 2014, IN ADDITION TO THE MINIMUM
4 STATE COST ORDERED TO BE PAID UNDER THIS SECTION, THE COURT SHALL
5 ORDER THAT THE PERSON PAY AN ASSESSMENT OF \$1.00 FOR EACH FELONY OR
6 MISDEMEANOR OF WHICH THE PERSON IS CONVICTED. ON THE LAST DAY OF
7 EACH MONTH, THE CLERK OF THE COURT SHALL TRANSMIT THE ASSESSMENTS
8 COLLECTED UNDER THIS SUBSECTION TO THE STATE TREASURER FOR DEPOSIT
9 IN THE SAFE AND SECURE SCHOOLS FUND CREATED IN SECTION 1308A OF THE
10 REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1308A. WHEN TRANSMITTING
11 THE ASSESSMENT, THE CLERK OF THE COURT SHALL IDENTIFY THE SCHOOL
12 DISTRICT IN WHICH THE OFFENSE OCCURRED.

13 (8) ~~(7)~~As used in this section:

14 (a) "Felony" means a violation of a penal law of this state
15 for which the offender may be punished by imprisonment for more
16 than 1 year or an offense expressly designated by law to be a
17 felony.

18 (b) "Minimum state cost" means the applicable minimum cost to
19 be ordered for a conviction under subsection (1).

20 Enacting section 1. This amendatory act does not take effect
21 unless Senate Bill No. ____ or House Bill No. 5126 (request no.
22 03654'13 a) of the 97th Legislature is enacted into law.