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BILL



ANALYSIS

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House Bill 4477 (Substitute H-1 as reported without amendment)

Sponsor: Representative Klint Kesto

House Committee: Criminal Justice

Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Revised Judicature Act to provide for service of process in an action appealed to the Court of Appeals or Michigan Supreme Court when a court order prohibited a party from contacting the other party to the action.

Specifically, if a court had entered an order that prohibited the disclosure of the address of a party to the action or prohibited a party from contacting another party, and the action were appealed to the Court of Appeals or the Supreme Court, a party to the action would have to serve process or papers that are required to be served directly on the protected party by delivering sufficient extra copies to the clerk of the Court of Appeals or Supreme Court, as appropriate. The delivery of those copies would have to include a request that the clerk or a sheriff, deputy sheriff, police officer, or appointed court officer serve the process or papers on the protected party.

The clerk, sheriff, deputy sheriff, police officer, or court officer would have to serve process or papers received under these provisions at one of the following locations:

- The confidential address the protected party gave to the court under Michigan Court Rules.
- If a confidential address had not been provided, the protected party's last known address as provided by a lower court.

The bill would take effect 90 days after its enactment.

MCL 600.227 & 600.316

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have a negative, though likely minimal, fiscal impact on the State and local government. The cost for delivery of process or papers by the Court of Appeals or Supreme Court clerk or other officer would be borne by the State or local government, depending on who handled the delivery.

Date Completed: 2-8-16

Fiscal Analyst: Ryan Bergan