

Legislative Analysis



EXTEND SUNSET ON COURT IMPOSITION OF COSTS

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House Bill 4612 As Reported by Committee
Sponsor: Rep. Rob VerHeulen
Committee: Appropriations
Complete to 5-23-17

Analysis available at
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SUMMARY:

Currently, under Section 1k of Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure, MCL 769.1k, if a defendant enters a plea of guilty or no contest, or if the court determines after a hearing or trial that the defendant is guilty, the court is required to impose the minimum state costs as set forth by statute, and the court is authorized to impose any or all of the following:

- 1) Any fine authorized by statute.
- 2) Any cost authorized by statute.
- 3) The expense of providing legal assistance to the defendant.
- 4) Any assessment authorized by law.
- 5) Reimbursement for expenses incurred in responding to certain violations.
- 6) Until October 2017, any cost reasonably related to actual costs incurred by the trial court, including salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, and necessary expenses for the operation and maintenance of court buildings and facilities.

House Bill 4612 would amend Section 1k of Chapter IX to extend the sunset provision on imposing costs related to actual costs incurred by trial courts for court operations. The sunset would be extended for three years, from October 2017 to October 2020.

FISCAL IMPACT:

Extending the sunset will allow trial courts to continue to impose costs reasonably related to actual costs incurred by the courts for operation. According to the State Court Administrative Office, in FY 2015, courts imposed \$55.9 million in costs and collected \$31.1 million under Section 1k, MCL 769.1k. If the sunset provision were not extended, trial courts would lose this revenue.

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