

HOUSE BILL No. 4612

May 16, 2017, Introduced by Reps. VerHeulen and Kesto and referred to the Committee on Appropriations.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1k of chapter IX (MCL 769.1k), as amended by
2014 PA 352.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 1k. (1) If a defendant enters a plea of guilty or nolo
contendere or if the court determines after a hearing or trial that
the defendant is guilty, both of the following apply at the time of
the sentencing or at the time entry of judgment of guilt is
deferred ~~pursuant to~~ **BY** statute or sentencing is delayed ~~pursuant~~
~~to~~ **BY** statute:

(a) The court shall impose the minimum state costs as set

1 forth in section 1j of this chapter.

2 (b) The court may impose any or all of the following:

3 (i) Any fine authorized by the statute for a violation of
4 which the defendant entered a plea of guilty or nolo contendere or
5 the court determined that the defendant was guilty.

6 (ii) Any cost authorized by the statute for a violation of
7 which the defendant entered a plea of guilty or nolo contendere or
8 the court determined that the defendant was guilty.

9 (iii) ~~Until 36 months after the date the amendatory act that~~
10 ~~added subsection (7) is enacted into law, **OCTOBER 17, 2020,** any~~
11 cost reasonably related to the actual costs incurred by the trial
12 court without separately calculating those costs involved in the
13 particular case, including, but not limited to, the following:

14 (A) Salaries and benefits for relevant court personnel.

15 (B) Goods and services necessary for the operation of the
16 court.

17 (C) Necessary expenses for the operation and maintenance of
18 court buildings and facilities.

19 (iv) The expenses of providing legal assistance to the
20 defendant.

21 (v) Any assessment authorized by law.

22 (vi) Reimbursement under section 1f of this chapter.

23 (2) In addition to any fine, cost, or assessment imposed under
24 subsection (1), the court may order the defendant to pay any
25 additional costs incurred in compelling the defendant's appearance.

26 (3) Subsections (1) and (2) apply even if the defendant is
27 placed on probation, probation is revoked, or the defendant is

1 discharged from probation.

2 (4) The court may require the defendant to pay any fine, cost,
3 or assessment ordered to be paid under this section by wage
4 assignment.

5 (5) The court may provide for the amounts imposed under this
6 section to be collected at any time.

7 (6) Except as otherwise provided by law, the court may apply
8 payments received on behalf of a defendant that exceed the total of
9 any fine, cost, fee, or other assessment imposed in the case to any
10 fine, cost, fee, or assessment that the same defendant owes in any
11 other case.

12 (7) Beginning January 1, 2015, the court shall make available
13 to a defendant information about any fine, cost, or assessment
14 imposed under subsection (1), including information about any cost
15 imposed under subsection (1)(b)(iii). However, the information is
16 not required to include the calculation of the costs involved in a
17 particular case.

18 (8) If the court imposes any cost under subsection
19 (1)(b)(iii), no later than March 31 of each year the clerk of the
20 court shall transmit a report to the state court administrative
21 office in a manner prescribed by the state court administrative
22 office that contains all of the following information for the
23 previous calendar year:

24 (a) The name of the court.

25 (b) The total number of cases in which costs under subsection
26 (1)(b)(iii) were imposed by that court.

27 (c) The total amount of costs that were imposed by that court

1 under subsection (1) (b) (iii) .

2 (d) The total amount of costs imposed under subsection
3 (1) (b) (iii) that were collected by that court.

4 (9) No later than July 1 of each year, the state court
5 administrative office shall compile all data submitted under
6 subsection (8) during the preceding calendar year and submit a
7 written report to the governor, the secretary of the senate, and
8 the clerk of the house of representatives. The report described in
9 this subsection ~~shall~~**MUST** be made available to the public by the
10 secretary of the senate and the clerk of the house of
11 representatives.

12 (10) A defendant shall not be imprisoned, jailed, or
13 incarcerated for the nonpayment of costs ordered under this section
14 unless the court determines that the defendant has the resources to
15 pay the ordered costs and has not made a good-faith effort to do
16 so.