

HOUSE BILL NO. 6235

September 16, 2020, Introduced by Reps. Cynthia Neeley, Love, LaGrand, Kennedy, Kuppa, Hope, Whitsett, Byrd, Cherry, Sneller, Yancey, Brenda Carter, Garrett, Anthony and Cynthia Johnson and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8827 (MCL 600.8827), as amended by 2003 PA 95.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 8827. (1) A state civil infraction is not a lesser
2 included offense of a criminal offense.
- 3 (2) If a defendant is determined to be responsible or
4 responsible "with explanation" for a state civil infraction, the
5 judge or district court magistrate may order the defendant to pay a
6 civil fine as provided by law and costs as provided in subsection



(3) and the justice system assessment provided in subsection (4). In the order of judgment, the judge or district court magistrate may grant a defendant permission to pay a civil fine, costs, and assessment within a specified period of time or in specified installments. Otherwise, the civil fine, costs, and assessment are payable immediately.

(3) If a defendant is ordered to pay a civil fine under subsection (2), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the state civil infraction, up to the entry of judgment. Costs of not more than \$500.00 ~~shall~~**must** be ordered. Until September 30, 2003, the amount of costs ordered ~~shall~~**must** be not less than \$9.00. Costs in a state civil infraction action in the district court ~~shall~~**must** be distributed as provided in sections 8379 and 8381. Beginning October 1, 2003, costs ordered in a state civil infraction action ~~shall~~**must** be distributed as provided in section 8379. Costs in a state civil infraction action in a municipal court ~~shall~~**must** be paid to the county.

(4) Effective October 1, 2003, in addition to any fine or cost ordered to be paid under subsection (2) or (3), the judge or district court magistrate shall order the defendant to pay a justice system assessment of \$10.00. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the state treasurer for deposit in the justice system fund created in section 181.

(5) A district court magistrate shall impose the sanctions



1 permitted under subsection (2) only to the extent expressly
2 authorized by the chief judge or only judge of the district court
3 district.

4 (6) Each district of the district court and each municipal
5 court may establish a schedule of civil fines, costs, and
6 assessments to be imposed for state civil infractions that occur
7 within the district or city. If a schedule is established, it ~~shall~~
8 **must** be prominently posted and readily available for public
9 inspection. A schedule need not include all violations that are
10 designated by law as state civil infractions.

11 (7) A default in the payment of a civil fine, costs, or
12 assessment ordered under subsection (2), (3), or (4) or an
13 installment of the fine, costs, or assessment may be collected by a
14 means authorized for the enforcement of a judgment under chapter 40
15 or chapter 60.

16 ~~(8) Not less than 28 days after a defendant fails to appear in~~
17 ~~response to a citation issued for, or fails to comply with an order~~
18 ~~or judgment involving, a state civil infraction, the court shall~~
19 ~~give notice by ordinary mail, addressed to the defendant's last~~
20 ~~known address, that if the defendant fails to appear or fails to~~
21 ~~comply with the order or judgment described in this subsection~~
22 ~~within 14 days after the notice is issued, the court will give to~~
23 ~~the secretary of state notice of that failure. Upon receiving~~
24 ~~notice of that failure, the secretary of state shall not issue or~~
25 ~~renew an operator's or chauffeur's license for the defendant until~~
26 ~~both of the following occur:~~

27 ~~(a) The court informs the secretary of state that the~~
28 ~~defendant has resolved all outstanding matters regarding each~~
29 ~~notice or citation.~~



~~(b) The defendant has paid to the court a \$45.00 driver license reinstatement fee. If the court determines that the defendant is not responsible for any violation for which the defendant's license was not issued or renewed under this subsection, the court shall waive the driver license reinstatement fee.~~

(8) ~~(9)~~—A defendant who fails to comply with an order or judgment issued under this section is guilty of a misdemeanor.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5846 of the 100th Legislature is enacted into law.

