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Senate Bill 244 (as introduced 3-16-21)  
Sponsor: Senator Jim Runestad  
Committee: Judiciary and Public Safety

Date Completed: 9-9-21

### **CONTENT**

**The bill would amend Chapter 19 (Commencement of Action and Service of Process) of the Revised Judicature Act to modify a provision allowing service of process to be made by an affidavit.**

Under the Act, proof of service of process must be made by one of the following methods:

- Written acknowledgment of the receipt of a summons and a copy of the complaint, dated and signed by the person authorized under the Act to receive them.
- A certificate, stating the facts of service, if service is made in the State by a sheriff or a deputy sheriff, medical examiner, bailiff, or constable, or a deputy of any of these officers, if the officers held office in a county in which the court issuing the process is held.
- An affidavit, stating the facts of service, if service is made by any other person, and indicating his or her official capacity, if any.

The bill instead would allow process to be made by the methods described above and would refer to a "court officer" instead of a "bailiff". Additionally, instead of an affidavit, service of process could be made by a written statement of the facts of service, verified by the following statement: "I declare under the penalty of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief", if service were made by an individual other than a sheriff, a deputy sheriff, medical examiner, bailiff, or constable, or a deputy of any of those officers.

The bill would take effect 180 days after its enactment.

MCL 600.1910

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.