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House Bill 5956 (as enacted)
Sponsor: Representative Sarah Lightner
House Committee: Appropriations
Senate Committee: Appropriations (discharged)

PUBLIC ACT 199 of 2022

Date Completed: 10-25-22

CONTENT

The bill amended Section 1k of Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to extend from October 1, 2022, to May 1, 2024, the authority of courts to impose costs related to actual costs incurred by trial courts for court operations.

Under Section 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 must impose the minimum State costs as set by statute, and the court may impose any of all of the following.

- Any fine authorized by statute.
- Any cost authorized by the statute.
- The expenses of providing legal assistance to the defendant.
- Any assessment authorized by law.
- Reimbursement for expenses incurred while responding to certain violations.

Previously, until October 1, 2022, the court also could impose any cost reasonably related to the actual costs incurred by the trial court without separately calculating those costs involved in the particular case, 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. The bill extends this authority until May 1, 2024.

The bill took effect on October 7, 2022.

MCL 769.1k

FISCAL IMPACT

The bill will have no fiscal impact on the State but will have an impact on local courts. Over the last five years, the imposition of court costs on criminal defendants has generated between \$30.0 to \$40.0 million for local courts systems each year. Without an extension of the sunset provision, this revenue, generated and distributed locally, would be lost to local court systems, creating a deficit. Extending the sunset will provide the Legislature more time to find a long-term solution, or replacement, for revenue generated from court costs.

The constitutionality of Section 1k of Chapter IX of the Code of Criminal Procedure currently is being challenged in the Michigan Supreme Court,¹ at least in part, due to the appearance

¹ see *Michigan v. Johnson*, order of the Michigan Supreme Court, Docket No. 163073 (2022).

of financial incentives judges have to generate revenue for counties and the courts in which those counties reside. A sunset extension brings with it, from a judicial perspective, an expectation that the Legislature will use the next 18 months to develop and implement a long-term solution to replace the local revenue generated from these court costs with an impartial, statewide revenue sharing arrangement.

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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.