

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)

Act 175 of 1927

CHAPTER XV

FEES

775.1 Fees; allowances.

Sec. 1. For the following services hereafter performed, in the cases authorized by law, the officers hereinafter named shall be allowed, respectively, the fees in this chapter directed.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17471;—CL 1948, 775.1.

Former law: See section 1 of Ch. 169 of R.S. 1846, being CL 1857, § 5678; CL 1871, § 7477; How., § 9052; CL 1897, § 12003; and CL 1915, § 15896.

775.2 Repealed. 1980, Act 506, Imd. Eff. Jan. 22, 1981.

Compiler's note: The repealed section pertained to fees for services to justice of peace.

775.3 Fees; services of constables; additional compensations.

Sec. 3. A constable shall be allowed for serving a warrant or other process for the arrest of any person, issued by any magistrate or court, 50 cents; for traveling to make such service, going only, 15 cents per mile, and where an arrest has been made, 15 cents per mile return travel from the place of arrest to the place of return; for taking a prisoner to jail or to the house of correction, 15 cents per mile, going only; for serving a mittimus, 15 cents; serving a subpoena, 15 cents for each witness, and 15 cents per mile for the distance actually and necessarily traveled in going to make such service; for summoning a jury, 1 dollar; for attending the same, 1 dollar; for attending any court by order of the magistrate or officer before whom a trial or examination is being held, when not in charge of a jury, 2 dollars per day for each day and 1 dollar for each half day so actually attending. The board of supervisors of each county may allow such further compensation for the services of process and the expenses and trouble attending the same as they shall deem reasonable. For other services in criminal cases, for which no compensation is especially provided by law, such sum as the board of supervisors shall allow.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17473;—Am. 1931, Act 309, Eff. Sept. 18, 1931;—CL 1948, 775.3.

Former law: See section 3 of Ch. 169 of R.S. 1846, being CL 1857, § 5680; CL 1871, § 7479; How., § 9054; CL 1897, § 12005; CL 1915, § 15898; and Act 286 of 1881.

775.4 Fees; services of sheriff; additional compensations.

Sec. 4. A sheriff shall be allowed for every person committed to jail, 35 cents; for every person discharged from jail, 35 cents; for taking a prisoner before a court for examination or to jail, 15 cents; for serving a subpoena, issued from a court of record, 15 cents for each witness and 10 cents for each copy of the same, and 15 cents a mile on the distance actually and necessarily traveled in going to make such service; for serving a warrant or performing any other duty which may be performed by a constable, the same fees as are allowed by law to a constable for such service. For other services not herein specially provided for, such sums as may be allowed by the board of supervisors.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17474;—Am. 1931, Act 309, Eff. Sept. 18, 1931;—CL 1948, 775.4.

Former law: See section 5 of Ch. 169 of R.S. 1846, being CL 1857, § 5681; CL 1871, § 7480; How., § 9055; CL 1897, § 12006; CL 1915, § 15899; and Act 286 of 1881.

775.5 Repealed. 1990, Act 219, Imd. Eff. Oct. 8, 1990.

Compiler's note: The repealed section pertained to fees for services of circuit court commissioner.

775.6 Fees; to be county charges.

Sec. 6. The fees hereinbefore in this chapter allowed for services, except those which are otherwise provided for by law, shall be county charges, and shall be audited by the board of supervisors of the county in which the services are rendered, and shall be paid in the same manner as other contingent charges of the county.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17476;—CL 1948, 775.6.

Former law: See section 6 of Ch. 169 of R.S. 1846, being CL 1857, § 5683; CL 1871, § 7482; How., § 9057; CL 1897, § 12008; and CL 1915, § 15901.

775.7 Expenses of certain witnesses for people; order directing payment.

Sec. 7. Whenever any person shall attend any court of record as a witness in behalf of the people of this

state, upon request of the public prosecutor, or upon subpoena, or by virtue of a recognizance for that purpose, and it shall appear that such person has come from any other state or territory of the United States, or from any foreign country or that such person is poor, the court may, by an order to be entered on its minutes, direct the county treasurer of the county in which the court may be sitting, to pay such witness such sum of money as shall seem reasonable for his expenses; and no fees shall be allowed or paid to witnesses on the part of the people in any criminal proceeding or prosecution except as is provided in this section and act.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17477;—CL 1948, 775.7.

Former law: See section 7 of Ch. 169 of R.S. 1846, being CL 1857, § 5684; CL 1871, § 7483; How., § 9058; CL 1897, § 12009; and CL 1915, § 15902.

775.8 Expenses of certain witnesses for people; certified copy of order.

Sec. 8. The clerk of the court by which such order shall be made, shall immediately make out and deliver a certified copy thereof to the person in whose favor the same is made, without any fee for such service.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17478;—CL 1948, 775.8.

Former law: See section 8 of Ch. 169 of R.S. 1846, being CL 1857, § 5685; CL 1871, § 7484; How., § 9059; CL 1897, § 12010; and CL 1915, § 15903.

775.9 Expenses of certain witnesses for people; payment by county treasurer.

Sec. 9. Upon the production of such certified copy to the county treasurer, or as soon thereafter as he shall have sufficient moneys in his hands, he shall pay to the person authorized to receive the same, or to his order, the sum of money so directed to be paid, which shall be allowed to the treasurer in his accounts.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17479;—CL 1948, 775.9.

Former law: See section 9 of Ch. 169 of R.S. 1846, being CL 1857, § 5686; CL 1871, § 7485; How., § 9060; CL 1897, § 12011; and CL 1915, § 15904.

775.10 Fees; prohibited as in civil cases.

Sec. 10. The provisions of law prohibiting the taking of any fees for services in civil cases, other than such as are allowed by law, shall apply to the taking of fees in criminal cases beyond the amount allowed by law for such services.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17480;—CL 1948, 775.10.

Former law: See section 10 of Ch. 169 of R.S. 1846, being CL 1857, § 5687; CL 1871, § 7486; How., § 9061; CL 1897, § 12012; and CL 1915, § 15905.

775.11 Fees; services of prosecutor.

Sec. 11. In all criminal prosecutions where an indictment shall be found and judgment for costs against the defendant shall be rendered, there shall be taxed for the use of the county the following fees for the services of the prosecuting attorney, to-wit: For drawing an indictment, 2 dollars; for trying the cause, 4 dollars; for arguing each motion in arrest of judgment, or for a new trial, 2 dollars; for services where exceptions are taken by defendant, 2 dollars; for every discharge of the prosecution on the acknowledgment of satisfaction in such cases as are authorized by law, 2 dollars.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17481;—CL 1948, 775.11.

Former law: See section 11 of Ch. 169 of R.S. 1846, being CL 1857, § 5688; CL 1871, § 7487; How., § 9062; CL 1897, § 12013; and CL 1915, § 15906.

775.12 Repealed. 1978, Act 316, Imd. Eff. July 10, 1978.

Compiler's note: The repealed section pertained to prosecution at instance of private persons.

775.13 Witness for prosecution; fees; law enforcement officer.

Sec. 13. (1) If a person attends court as a witness in behalf of the prosecution, upon the request of the prosecuting attorney, upon a subpoena, or because of a recognizance for that purpose, the witness shall be entitled to the following fees:

(a) For attending in a court of record, \$12.00 for each day and \$6.00 for each half day.

(b) For attending in a municipal court or upon an examination, \$10.00 for each day and \$5.00 for each half day.

(c) For traveling, 10 cents per mile in going to and returning from the place of attendance, estimated from the residence of the witness if within the state and if without the state, from the boundary line of this state which the witness passed in traveling to attend court.

(2) A law enforcement officer shall not receive a fee as a witness in behalf of the people of this state if the law enforcement officer is on duty at the time he or she attends court nor shall the officer receive

compensation in going to the place of attendance unless traveling to the court at the officer's own expense.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17483;—CL 1948, 775.13;—Am. 1952, Act 108, Eff. Sept. 18, 1952;—Am. 1955, Act 67, Imd. Eff. May 24, 1955;—Am. 1963, Act 132, Eff. Sept. 6, 1963;—Am. 1966, Act 17, Eff. Jan. 1, 1967;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981.

Former law: See section 2 of Act 77 of 1849, being CL 1857, § 5690; CL 1871, § 7489; How., § 9064; CL 1897, § 12015; CL 1915, § 15908; Act 192 of 1875; and Act 253 of 1923.

775.13a Expert witness; compensation.

Sec. 13a. If a person attends a court as a witness in a felony, misdemeanor, or ordinance violation case upon the request of the prosecuting attorney or defendant by virtue of a recognizance or subpoena for that purpose, whether at the trial of the case or other proceeding in the case, to testify as an expert witness, the person may be paid as compensation for the service a sum in excess of the ordinary witness fees provided by law. The sum to be awarded shall be determined by the judge before whom the witness appears.

History: Add. 1966, Act 148, Eff. Mar. 10, 1967;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981.

775.14 Witness for prosecution; proving attendance and travel; order.

Sec. 14. A witness entitled to a fee under section 13 of this chapter shall prove his or her attendance and travel in open court before the clerk of the court. An order from the clerk of the court shall authorize the payment of the witness fee to the witness in the same manner as the fee of a juror attending the court is paid.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17484;—CL 1948, 775.14;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981.

Former law: See section 3 of Act 77 of 1849, being CL 1857, § 5689; CL 1871, § 7488; How., § 9065; CL 1897, § 12016; CL 1915, § 15909; and Act 180 of 1887.

775.15 Accused unable to procure witness; subpoena, fee.

Sec. 15. If any person accused of any crime or misdemeanor, and about to be tried therefor in any court of record in this state, shall make it appear to the satisfaction of the judge presiding over the court wherein such trial is to be had, by his own oath, or otherwise, that there is a material witness in his favor within the jurisdiction of the court, without whose testimony he cannot safely proceed to a trial, giving the name and place of residence of such witness, and that such accused person is poor and has not and cannot obtain the means to procure the attendance of such witness at the place of trial, the judge in his discretion may, at a time when the prosecuting officer of the county is present, make an order that a subpoena be issued from such court for such witness in his favor, and that it be served by the proper officer of the court. And it shall be the duty of such officer to serve such subpoena, and of the witness or witnesses named therein to attend the trial, and the officer serving such subpoena shall be paid therefor, and the witness therein named shall be paid for attending such trial, in the same manner as if such witness or witnesses had been subpoenaed in behalf of the people.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17485;—CL 1948, 775.15.

Former law: See Act 226 of 1849, being CL 1857, § 5693; CL 1871, § 7492; How., § 9067; CL 1897, § 12017; CL 1915, § 15911; and Act 24 of 1877.

775.16 Appointment of counsel under Michigan indigent defense commission act.

Sec. 16. When a person charged with having committed a crime appears before a magistrate without counsel, the person shall be advised of his or her right to have counsel appointed. If the person states that he or she is unable to procure counsel, the magistrate shall appoint counsel, if the person is eligible for appointed counsel under the Michigan indigent defense commission act.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17486;—CL 1948, 775.16;—Am. 1957, Act 256, Eff. Sept. 27, 1957;—Am. 1963, Act 132, Eff. Sept. 6, 1963;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981;—Am. 2013, Act 94, Imd. Eff. July 1, 2013.

Former law: See section 1 of Act 109 of 1857, being CL 1857, § 5675; CL 1871, § 7471; How., § 9046; CL 1897, § 12018; CL 1915, § 15912; Act 96 of 1893; and Act 23 of 1911.

775.17 Accused unable to procure counsel; attorney, duty; enlarged compensation.

Sec. 17. An attorney shall not, in such case, be compelled to follow a case into another county or into the supreme court, but if he does so, may recover an enlarged compensation to be fixed by the court.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17487;—CL 1948, 775.17.

Former law: See section 2 of Act 109 of 1857, being CL 1857, § 5676; CL 1871, § 7472; How., § 9047; CL 1897, § 12019; and CL 1915, § 15913.

775.18 Accused unable to procure counsel; number of attorneys; affidavit.

Sec. 18. Only 1 attorney in any 1 case shall receive the compensation above contemplated, nor shall he be

entitled to this compensation until he files his affidavit in the office of the county clerk, in which such trial or proceedings may be had, that he has not, directly or indirectly, received any compensation for such services from any other source.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17488;—CL 1948, 775.18.

Former law: See section 3 of Act 109 of 1857, being CL 1857, § 5677; CL 1871, § 7473; How., § 9048; CL 1897, § 12020; and CL 1915, § 15914.

775.19 Interpreter; compensation; certificate.

Sec. 19. Except as provided in the deaf persons' interpreter act, if a person attends a court as an interpreter for the purpose of interpreting the testimony of a witness given in behalf of the prosecution, or for the purpose of translating or interpreting a writing or document introduced or used in a court in behalf of the prosecution, either upon the request of the prosecuting attorney or by appointment of the court pursuant to section 19a of this chapter, the person shall receive compensation as ordered by the court. The compensation for an interpreter in the municipal court shall not exceed \$25.00 for each day and \$15.00 for each half day actually employed. The certificate of the clerk of the court of record stating the amount ordered to be paid by the court, shall authorize the payment of compensation for the interpreter in the same manner as a witness fee is paid to a witness.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17489;—CL 1948, 775.19;—Am. 1955, Act 27, Imd. Eff. Apr. 13, 1955;—Am. 1957, Act 11, Eff. Sept. 27, 1957;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981;—Am. 1982, Act 203, Imd. Eff. July 1, 1982.

Former law: See Act 134 of 1915, being CL 1915, § 15915.

775.19a Appointment of interpreter; compensation.

Sec. 19a. If an accused person is about to be examined or tried and it appears to the judge that the person is incapable of adequately understanding the charge or presenting a defense to the charge because of a lack of ability to understand or speak the English language, the inability to adequately communicate by reason of being mute, or because the person suffers from a speech defect or other physical defect which impairs the person in maintaining his or her rights in the case, the judge shall appoint a qualified person to act as an interpreter. Except as provided in the deaf persons' interpreter act, the interpreter shall be compensated for his or her services in the same amount and manner as is provided for interpreters in section 19 of this chapter.

History: Add. 1955, Act 27, Imd. Eff. Apr. 13, 1955;—Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981;—Am. 1982, Act 203, Imd. Eff. July 1, 1982;—Am. 1998, Act 49, Imd. Eff. Mar. 30, 1998.

775.20 Expenses of prosecution for malfeasance in state office; payment.

Sec. 20. The expenses of all prosecutions against persons holding or who may have held any state office, for malfeasance in office, shall be paid from the general fund, by the state treasurer, and the board of state auditors are hereby authorized and empowered to allow all just and legal claims for such prosecutions, and this section shall be deemed to apply to the expenses of any prosecutions already commenced, as well as to any which may occur in the future.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17490;—CL 1948, 775.20.

Former law: See Act 223 of 1861, being CL 1871, § 376; How., § 342; CL 1897, § 12021; CL 1915, § 15916; and Act 260 of 1909.

775.21 Proceeding instituted by attorney general; costs, payment by state.

Sec. 21. Whenever the attorney general shall institute criminal proceedings in any county in this state, all costs incurred in such proceedings, except the pay of circuit judges, prosecuting attorneys, and circuit court stenographers, may be paid by the state with the approval of the state administrative board.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17491;—CL 1948, 775.21.

Former law: See Act 271 of 1923.

775.22 Allocation and application of money collected; "victim payment" defined.

Sec. 22. (1) If a person is subject to any combination of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments arising out of the same criminal proceeding, money collected from that person for the payment of fines, costs, restitution, assessments, probation or parole supervision fees, or other payments shall be allocated as provided in this section.

(2) Except as otherwise provided in this subsection, if a person is subject to payment of victim payments and any combination of other fines, costs, assessments, probation or parole supervision fees, or other payments, 50% of all money collected from that person shall be applied to payment of victim payments, and the balance shall be applied to payment of fines, costs, supervision fees, and other assessments or payments. If any fines, costs, supervision fees, or other assessments or payments remain unpaid after all of the victim

payments have been paid, any additional money collected shall be applied to payment of those fines, costs, supervision fees, or other assessments or payments. If any victim payments remain unpaid after all of the fines, costs, supervision fees, or other assessments or payments have been paid, any additional money collected shall be applied toward payment of those victim payments.

(3) In cases involving prosecutions for violations of state law, money allocated under subsection (2) for payment of fines, costs, probation and parole supervision fees, and assessments or payments other than victim payments shall be applied in the following order of priority:

- (a) Payment of the minimum state cost prescribed by section 1j of chapter IX.
- (b) Payment of other costs.
- (c) Payment of fines.
- (d) Payment of probation or parole supervision fees.
- (e) Payment of assessments and other payments.

(4) In cases involving prosecutions for violations of local ordinances, money allocated under subsection (2) for payment of fines, costs, and assessments or payments other than victim payments shall be applied in the following order of priority:

- (a) Payment of the minimum state cost prescribed by section 1j of chapter IX.
- (b) Payment of fines and other costs.
- (c) Payment of assessments and other payments.

(5) As used in this section, "victim payment" means restitution ordered to be paid to the victim or the victim's estate, but not to a person who reimbursed the victim for his or her loss, or an assessment ordered under section 5 of 1989 PA 196, MCL 780.905.

History: Add. 1993, Act 343, Eff. May 1, 1994;—Am. 2003, Act 102, Eff. Oct. 1, 2003.