

REVISED JUDICATURE ACT OF 1961 (EXCERPT)

Act 236 of 1961

CHAPTER 48

COLLECTION OF PENALTIES, FINES, AND FORFEITED RECOGNIZANCES

600.4801 Definitions.

Sec. 4801. As used in this chapter:

(a) "Costs" means any monetary amount that the court is authorized to assess and collect for prosecution, adjudication, or processing of criminal offenses, civil infractions, civil violations, and parking violations, including court costs, the cost of prosecution, and the cost of providing court-ordered legal assistance to the defendant.

(b) "Fee" means any monetary amount, other than costs or a penalty, that the court is authorized to impose and collect pursuant to a conviction, finding of responsibility, or other adjudication of a criminal offense, a civil infraction, a civil violation, or a parking violation, including a driver license reinstatement fee.

(c) "Penalty" includes fines, forfeitures, and forfeited recognizances.

(d) "Civil violation" means a violation of a law of this state or a local ordinance, other than a criminal offense or a violation that is defined or designated as a civil infraction, that is punishable by a civil fine or forfeiture under the applicable law or ordinance.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1993, Act 317, Eff. Jan. 1, 1994.

600.4803 Penalty, fee, or costs; failure to pay as subject to late penalty; waiver; disposition of late penalty; "funding unit" defined.

Sec. 4803. (1) Except as otherwise provided in subsection (3), a person who fails to pay a penalty, fee, or costs in full within 56 days after that amount is due and owing is subject to a late penalty equal to 20% of the amount owed. The court shall inform a person subject to a penalty, fee, or costs that the late penalty will be applied to any amount that continues to be unpaid 56 days after the amount is due and owing. Penalties, fees, and costs are due and owing at the time they are ordered unless the court directs otherwise. The court shall order a specific date on which the penalties, fees, and costs are due and owing. If the court authorizes delayed or installment payments of a penalty, fee, or costs, the court shall inform the person of the date on which, or time schedule under which, the penalty, fee, or costs, or portion of the penalty, fee, or costs, will be due and owing. A late penalty may be waived by the court upon the request of the person subject to the late penalty.

(2) Within 30 days after receiving a late penalty, the clerk of the court shall transmit the amount received to the treasurer or chief financial officer of the funding unit of the court, for deposit in the general fund of the funding unit.

(3) This section does not apply to a juvenile or a parent, guardian, or legal custodian of a juvenile within the jurisdiction of the court under section 2 of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712A.2.

(4) As used in this section, "funding unit" means 1 of the following as applicable:

(a) For the circuit court, each county in the circuit.

(b) For the recorder's court of the city of Detroit, the county.

(c) For the district court, the district funding unit of the district, as defined in section 8104.

(d) For a municipal court, the political unit where the municipal court is located.

History: Add. 1993, Act 317, Eff. Jan. 1, 1994;—Am. 1996, Act 374, Eff. Oct. 1, 1996;—Am. 2023, Act 292, Eff. Oct. 1, 2024.

600.4805 Penalty; recovery.

Sec. 4805. (1) Unless otherwise specially provided for by law, if a penalty is incurred by any person and the act or omission for which the penalty is imposed is not also a felony, misdemeanor, or civil infraction, the penalty may be recovered in a civil action.

(2) Unless otherwise specially provided by law, any fine, cost, restitution, reimbursement, assessment, or other fee that is imposed in a criminal case or civil infraction action as authorized by law or court rule may be recovered in the same manner as a civil judgment for money in the same court.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2003, Act 178, Eff. Oct. 1, 2003;—Am. 2010, Act 225, Imd. Eff. Dec. 10, 2010.

600.4811 Penalty; amount not specified, action.

Sec. 4811. When a penalty is imposed by law for any act or omission, not exceeding any specified sum, an action may be brought for the highest sum so specified. The jury, or court before whom the trial is had, shall award the sum deemed proportionate to the offense, within the limitation prescribed by law.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4815 Fines and costs; execution.

Sec. 4815. Execution may issue for the collection of fines and costs imposed for misdemeanors, or offenses punishable by fine or imprisonment, or fine and imprisonment, in all cases where no alternative sentence or judgment of imprisonment has been rendered. No person may be imprisoned under and by virtue of such execution for a greater period than 90 days.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4821 Execution on forfeited recognizance; redemption of real estate.

Sec. 4821. If any recognizance to the people of this state is forfeited, judgment shall be for the amount of the penalty of the recognizance. Execution shall be awarded and executed upon such judgment in the same manner as upon judgments in personal actions, and with like effect. If any real estate is sold by virtue of an execution awarded on such judgment, it may be redeemed as in other cases.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4825 Penalty; township officers; notice to prosecuting attorney.

Sec. 4825. Every township officer who knows, or has good reason to believe, that any penalty has been incurred within his township, shall forthwith give notice thereof to the prosecuting attorney of the county.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4831 Penalty; prosecution by prosecuting attorney.

Sec. 4831. (1) Where the prosecuting attorney knows, or has reason to believe, that a penalty has been incurred within his county, or has been notified of such penalty by a township officer, he shall prosecute for such penalty without delay.

(2) If the township supervisor has commenced a suit to recover such penalty, the prosecuting attorney shall, on request by such supervisor, attend to and conduct such suit on behalf of the plaintiff.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4835 Penalty; remission by circuit court.

Sec. 4835. The circuit court for the county in which such court was held, or in which such recognizance was taken, may, upon good cause shown, remit any penalty, or any part thereof, upon such terms as appear just and equitable to the court. But this section does not authorize such court to remit any fine imposed by any court upon a conviction for any criminal offense, nor any fine imposed by any court for an actual contempt of such court, or for disobedience of its orders or process.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4841 Collections; payment to county treasurer.

Sec. 4841. (1) All officers or other persons who collect or receive any moneys on account of any penalty shall pay over the same to the county treasurer on or before the last day of the month following.

(2) Upon learning that any person has neglected to pay over such moneys within such time, the county treasurer shall proceed in the circuit court for the county to collect such moneys.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4845 Moneys from fines and penalties; duties of county treasurer.

Sec. 4845. (1) The county treasurer shall credit all fines for the violation of the penal laws to the library fund and all other penalties to the general fund; and he shall account therefor to the board of supervisors annually.

(2) In case of the sale of any real estate upon an execution upon judgment rendered for the breach of any recognizance in any criminal case the county treasurer shall, in case there are no bidders to the full amount of any such judgment or the value of the property advertised, bid off the same. If the same is not redeemed within the time allowed by law for the redemption thereof, the county treasurer shall sell the same for the best price he can obtain therefor, and place the money received in the general fund.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.4851 County law library fund; maximum sums credited from library fund; payment upon order of circuit judge or presiding judge; annual report.

Sec. 4851. (1) In each county the county treasurer shall credit semiannually to a fund to be known as the county law library fund, from the library fund, an amount as follows:

(a) In counties having a population of 250,000 or more, but less than 1,000,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$4,000.00.

(ii) For 1982, \$6,250.00.

(iii) For 1983 and each year thereafter, \$8,500.00.

(b) In counties having a population of 50,000 or more, but less than 250,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$3,000.00.

(ii) For 1982, \$4,750.00.

(iii) For 1983 and each year thereafter, \$6,500.00.

(c) In counties of 35,000 or more, but less than 50,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$2,000.00.

(ii) For 1982, \$3,250.00.

(iii) For 1983 and each year thereafter, \$4,500.00.

(d) In counties of 20,000 or more, but less than 35,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$1,500.00.

(ii) For 1982, \$2,500.00.

(iii) For 1983 and each year thereafter, \$3,500.00.

(e) In counties of 10,000 or more, but less than 20,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$1,000.00.

(ii) For 1982, \$1,750.00.

(iii) For 1983 and each year thereafter, \$2,500.00.

(f) In counties of less than 10,000 inhabitants, the sum credited shall not exceed:

(i) For 1981, \$750.00.

(ii) For 1982, \$1,375.00.

(iii) For 1983 and each year thereafter, \$2,000.00.

(2) All money credited to the county law library fund shall be paid out by the county treasurer only upon the order of the circuit judge in multiple county circuits or upon the order of the presiding judge in single county circuits for the purpose of establishing, operating, and maintaining a law library for the use of the circuit, district, and probate courts in the county and for the officers of the courts and persons having business in the courts.

(3) The county law librarian, or other person as the circuit or presiding judge shall designate, shall make a detailed report before January 2 of each year of the sums expended for books for the county law library. The annual report shall be filed with the county clerk.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1982, Act 18, Imd. Eff. Mar. 3, 1982;—Am. 1982, Act 173, Imd. Eff. June 4, 1982.