




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5023 (Substitute H-4 as reported without amendment)
Sponsor: Representative Dave Hildenbrand
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to provide that, if a defendant entered a plea of guilty or no contest, or if the court determined after a hearing or trial that the defendant was guilty, both of the following would apply at the time of sentencing, deferred entry of judgment of guilt pursuant to statute, or delayed sentencing pursuant to statute:

- The court would have to impose the minimum State costs, as set forth in Section 1j of Chapter IX.
- The court could impose any fine, any cost in addition to the minimum State cost, the expenses of providing legal assistance to the defendant, any assessment authorized by law, and/or any reimbursement under Section 1f of Chapter IX.

(Under Section 1j, if the court orders a convicted person to pay any combination of a fine, costs, or assessment, it also must order the person to pay minimum State costs of \$60 for a felony conviction, \$45 for a serious misdemeanor or specified misdemeanor conviction, and \$40 for any other misdemeanor conviction. Section 1f allows the court to order a person convicted of certain offenses to reimburse the State or a local unit of government for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person.)

The bill also would allow the court to require those costs, fines, or assessments to be paid by wage assignment or collected at any time.

The bill would take effect on January 1, 2006.

Proposed MCL 769.1k

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

This bill would have an indeterminate impact on State resources. The bill would allow judges to impose additional fines on defendants, and would increase the number of defendants subject to these fines. There are no data to indicate the extent to which judges currently impose additional fines, or how many additional defendants might be fined. To the extent that the bill would increase the fines imposed and collected, it would increase State and local revenue.

Date Completed: 11-30-05

Fiscal Analyst: Lindsay Hollander
Stephanie Yu