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BILL ANALYSIS

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House Bill 5145 (Substitute S-1 as reported)
Sponsor: Representative Glen Steil, Jr.
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to specify that, if a prisoner under the jurisdiction of the Department of Corrections (DOC) had been ordered to pay any sum of money described in Section 1k (proposed by House Bill 5023) and the DOC received an order from the court on a form prescribed by the State Court Administrative Office, the DOC would have to deduct 50% of the funds received by the prisoner in a month over \$50. The DOC promptly would have to forward a payment to the court as provided in the order, when the amount exceeded \$100, or the entire amount if the prisoner were paroled, transferred to community programs, or discharged on the maximum sentence. The DOC would have to give an order of restitution under the Crime Victim's Rights Act priority over an order received under the bill.

The bill would take effect on January 1, 2006. The bill is tie-barred to House Bill 5023, which would add Section 1k to Chapter IX to require a sentencing court to impose minimum State costs, and allow the court to impose other fines, costs, and assessments authorized by law, at the time of sentencing, deferred entry of judgment of guilt, or delayed sentencing.

Proposed MCL 769.11

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would allow the Department of Corrections to collect additional money from prisoner accounts for court fines and assessments. Victim restitution would be given priority ahead of fines, costs, or assessments imposed by the courts. The bill could improve the courts' ability to collect these court-ordered amounts. While the total number of prisoners this could affect is unknown, the Department of Corrections shows that there are 7,395 victim restitution orders against individuals currently located in a correctional facility.

Date Completed: 12-7-05

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