

SENATE BILL No. 1322

June 20, 2006, Introduced by Senators GEORGE, HAMMERSTROM, KUIPERS and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 1344, 2529, and 8371 (MCL 600.1344, 600.2529, and 600.8371), section 1344 as amended by 2002 PA 739, section 2529 as amended by 2004 PA 205, and section 8371 as amended by 2005 PA 151.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1344. (1) A juror shall be reimbursed for his or her
2 traveling expenses at a rate, determined by the county board of
3 commissioners, that is not less than 10 cents per mile for
4 traveling from the juror's residence to the place of holding court
5 and returning for each day or 1/2 day of actual attendance at
6 sessions of the court.

1 (2) A juror also shall be compensated at a rate, determined by
2 the county board of commissioners, as follows:

3 ~~(a) Until October 1, 2003, not less than \$15.00 per day and~~
4 ~~\$7.50 per 1/2 day of actual attendance at the court.~~

5 ~~(A) (b) Beginning October 1, 2003~~ **UNTIL OCTOBER 1, 2006**, a
6 rate determined as follows:

7 (i) For the first day or 1/2 day of actual attendance at the
8 court, not less than \$25.00 per day and \$12.50 per 1/2 day.

9 (ii) For each subsequent day or 1/2 day of actual attendance at
10 the court, not less than \$40.00 per day and \$20.00 per 1/2 day.

11 **(B) BEGINNING OCTOBER 1, 2006, A RATE DETERMINED AS FOLLOWS:**

12 **(i) FOR THE FIRST DAY OR 1/2 DAY OF ACTUAL ATTENDANCE AT THE**
13 **COURT, NOT LESS THAN \$30.00 PER DAY AND \$15.00 PER 1/2 DAY.**

14 **(ii) FOR EACH SUBSEQUENT DAY OR 1/2 DAY OF ACTUAL ATTENDANCE AT**
15 **THE COURT, NOT LESS THAN \$60.00 PER DAY AND \$30.00 PER 1/2 DAY.**

16 (3) If an action is removed from the circuit court to a lower
17 court, the jury fee shall be paid to the circuit court whether paid
18 before or after removal of the action to the lower court, and the
19 circuit court shall be responsible for payment of the compensation
20 to the juror involved.

21 (4) A clerk or deputy clerk of the court who fraudulently
22 issues a certificate of attendance of a juror on which the juror
23 receives pay, except as allowed by law, is guilty of a misdemeanor,
24 punishable by imprisonment for not more than 6 months, or a fine of
25 not more than \$500.00, or both.

26 Sec. 2529. (1) In the circuit court, the following fees shall
27 be paid to the clerk of the court:

1 (a) Before a civil action other than an action brought
2 exclusively under section 2950, 2950a, or 2950h to 2950m is
3 commenced, or before the filing of an application for
4 superintending control or for an extraordinary writ, except the
5 writ of habeas corpus, the party bringing the action or filing the
6 application shall pay the sum of ~~-\$150.00-~~ **\$350.00**. The clerk at
7 the end of each month shall transmit for each fee collected under
8 this subdivision within the month \$31.00 to the county treasurer,
9 **\$200.00 TO THE STATE TREASURER FOR DEPOSIT IN THE JUROR**
10 **COMPENSATION REIMBURSEMENT FUND CREATED IN SECTION 151D**, and the
11 balance of the filing fee to the state treasurer for deposit in the
12 civil filing fee fund created in section 171.

13 (b) Before the filing of a claim of appeal or motion for leave
14 to appeal from the district court, probate court, a municipal
15 court, or an administrative tribunal or agency, the sum of \$150.00.
16 For each fee collected under this subdivision, the clerk shall
17 transmit \$31.00 to the county treasurer and the balance of the fee
18 to the state treasurer for deposit in the civil filing fee fund
19 created in section 171.

20 (c) If a trial by jury is demanded, the party making the
21 demand at the time shall pay the sum of \$85.00. Failure to pay the
22 fee at the time the demand is made constitutes a waiver of the
23 right to a jury trial. The sum shall be taxed in favor of the party
24 paying the fee, in case the party recovers a judgment for costs.
25 For each fee collected under this subdivision, the clerk shall
26 transmit \$25.00 to the state treasurer for deposit in the juror
27 compensation reimbursement fund created in section 151d.

1 (d) Before entry of a final judgment or order in an action in
2 which the custody, support, or parenting time of minor children is
3 determined or modified, the party submitting the judgment or order
4 shall pay 1 of the following fees, which shall be deposited by the
5 county treasurer as provided in section 2530:

6 (i) In an action in which the custody or parenting time of
7 minor children is determined, \$80.00.

8 (ii) In an action in which the support of minor children is
9 determined or modified, \$40.00. This fee does not apply when a fee
10 is paid under subparagraph (i). The court may order a party to
11 reimburse to the other party all or a portion of the fee paid by
12 that other party.

13 (e) Except as otherwise provided in this section, upon the
14 filing of a motion the sum of \$20.00. In conjunction with an action
15 brought under section 2950 or 2950a, a motion fee shall not be
16 collected for a motion to dismiss the petition, a motion to modify,
17 rescind, or terminate a personal protection order, or a motion to
18 show cause for a violation of a personal protection order. A motion
19 fee shall not be collected for a motion to dismiss a proceeding to
20 enforce a foreign protection order or a motion to show cause for a
21 violation of a foreign protection order under sections 2950h to
22 2950m. A motion fee shall not be collected for a request for a
23 hearing to contest income withholding under section 7 of the
24 support and parenting time enforcement act, 1982 PA 295, MCL
25 552.607. For each fee collected under this subdivision, the clerk
26 shall transmit \$10.00 to the state treasurer for deposit in the
27 state court fund created by section 151a.

1 (f) For services under the direction of the court that are not
2 specifically provided for in this section relative to the receipt,
3 safekeeping, or expending of money, or the purchasing, taking, or
4 transferring of a security, or the collecting of interest on a
5 security, the clerk shall receive the allowance and compensation
6 from the parties as the court may consider just and shall direct by
7 court order, after notice to the parties to be charged.

8 (g) Upon appeal to the court of appeals or the supreme court,
9 the sum of \$25.00.

10 (h) The sum of \$15.00 as a service fee for each writ of
11 garnishment, attachment, execution, or judgment debtor discovery
12 subpoena issued.

13 (2) The sums paid as provided in this section shall be held to
14 be in full for all clerk, entry, and judgment fees in an action
15 from the commencement of the action to and including the issuance
16 and return of the execution or other final process, and are taxable
17 as costs.

18 (3) Except as otherwise provided in this section, the fees
19 shall be paid over to the county treasurer as required by law.

20 (4) At the end of each month, the clerk shall transmit for
21 each fee collected under subsection (1)(d) \$10.00 to the state
22 treasurer for deposit in the **CHILD SUPPORT BENCH WARRANT**
23 **ENFORCEMENT** fund created by section 6a of the office of child
24 support act, 1971 PA 174, MCL 400.236a. The balance of the fee
25 collected under subsection (1)(d)(i) shall be paid to the county
26 treasurer and deposited by the county treasurer as provided under
27 section 2530 to be used to fund services that are not title IV-D

1 services. The balance of the fee collected under subsection
2 (1) (d) (ii) shall be paid to the county treasurer and deposited by
3 the county treasurer as provided under section 2530.

4 (5) The court shall order any of the fees prescribed in this
5 section waived or suspended, in whole or in part, upon a showing by
6 affidavit of indigency or inability to pay.

7 (6) If the person filing an action under subsection (1) (d) is
8 a public officer acting in his or her official capacity, if the
9 order is submitted with the initial filing as a consent order, or
10 other good cause is shown, the court shall order the fee under
11 subsection (1) (d) waived or suspended. If a fee is waived or
12 suspended and the action is contested, the court may require that 1
13 or more of the parties to the action pay the fee under subsection
14 (1) (d).

15 Sec. 8371. (1) In the district court, the fees prescribed in
16 this section shall be paid to the clerk of the court.

17 (2) Before a civil action is commenced in the district court,
18 the party commencing the action shall pay to the clerk the sum of
19 ~~\$150.00~~ **\$200.00** if the amount in controversy exceeds \$10,000.00.
20 For each fee collected under this subsection, the clerk shall
21 transmit \$31.00 to the treasurer of the district funding unit in
22 which the action was commenced, **\$50.00 TO THE STATE TREASURER FOR**
23 **DEPOSIT IN THE JUROR COMPENSATION REIMBURSEMENT FUND CREATED IN**
24 **SECTION 151D,** and ~~shall transmit~~ the balance to the state
25 treasurer for deposit in the civil filing fee fund created by
26 section 171.

27 (3) Before a civil action is commenced in the district court,

1 the party commencing the action shall pay to the clerk the sum of
2 ~~\$65.00~~ **\$100.00** if the amount in controversy exceeds ~~-\$1,750.00~~
3 **\$5,000.00** but does not exceed \$10,000.00. For each fee collected
4 under this subsection, the clerk shall transmit \$23.00 to the
5 treasurer of the district funding unit in which the action was
6 commenced, of which not less than \$5.00 shall be used by the
7 district funding unit to fund a drug treatment court if one is
8 planned, established, or operated in that judicial district. If the
9 entire amount attributable to the \$5.00 portion is not needed for
10 the operation of a drug treatment court, the balance that is not
11 needed for that purpose shall be used for the operation of the
12 district court. If a drug treatment court is not planned,
13 established, or operated in that judicial district, all \$23.00
14 shall be used for the operation of the district court. ~~The~~ **OF THE**
15 **AMOUNT REMAINING, THE** clerk of the district court shall transmit
16 **\$35.00 TO THE STATE TREASURER FOR DEPOSIT IN THE JUROR COMPENSATION**
17 **REIMBURSEMENT FUND CREATED IN SECTION 151D, AND** the balance of the
18 filing fee to the state treasurer for deposit in the civil filing
19 fee fund created by section 171.

20 (4) Before a civil action is commenced in the district court,
21 the party commencing the action shall pay to the clerk the sum of
22 ~~\$45.00~~ **\$50.00** if the amount in controversy exceeds \$600.00 but
23 does not exceed ~~-\$1,750.00~~ **\$5,000.00**. For each fee collected under
24 this subsection, the clerk shall transmit \$17.00 to the treasurer
25 of the district funding unit in which the action was commenced, of
26 which not less than \$5.00 shall be used by the district funding
27 unit to fund a drug treatment court if one is planned, established,

1 or operated in that judicial district. If the entire amount
2 attributable to the \$5.00 portion is not needed for the operation
3 of a drug treatment court, the balance that is not needed for that
4 purpose shall be used for the operation of the district court. If a
5 drug treatment court is not planned, established, or operated in
6 that judicial district, all \$17.00 shall be used for the operation
7 of the district court. ~~The~~ **OF THE AMOUNT REMAINING, THE** clerk of
8 the district court shall transmit **\$5.00 TO THE STATE TREASURER FOR**
9 **DEPOSIT IN THE JUROR COMPENSATION REIMBURSEMENT FUND CREATED IN**
10 **SECTION 151D, AND** the balance of the filing fee to the state
11 treasurer for deposit in the civil filing fee fund created by
12 section 171.

13 (5) Before a civil action is commenced in the district court,
14 the party commencing the action shall pay to the clerk the sum of
15 \$25.00 if the amount in controversy does not exceed \$600.00. For
16 each fee collected under this subsection, the clerk shall transmit
17 \$11.00 to the treasurer of the district funding unit in which the
18 action was commenced, of which not less than \$5.00 shall be used by
19 the district funding unit to fund a drug treatment court if one is
20 planned, established, or operated in that judicial district. If the
21 entire amount attributable to the \$5.00 portion is not needed for
22 the operation of a drug treatment court, the balance that is not
23 needed for that purpose shall be used for the operation of the
24 district court. If a drug treatment court is not planned,
25 established, or operated in that judicial district, all \$11.00
26 shall be used for the operation of the district court. The clerk of
27 the district court shall transmit the balance of the filing fee to

1 the state treasurer for deposit in the civil filing fee fund
2 created by section 171.

3 (6) The judge shall order payment of any statutory fees waived
4 or suspended if the person subject to the fee is receiving public
5 assistance or is determined by the court to be indigent.

6 (7) Neither this state nor a political subdivision of this
7 state shall be required to pay a filing fee in a civil infraction
8 action.

9 (8) Except for civil actions filed for relief under chapter
10 43, 57, or 84, if a civil action is filed for relief other than
11 money damages, the filing fee shall be equal to the filing fee in
12 actions for money damages in excess of \$1,750.00 but not in excess
13 of \$10,000.00 as provided in subsection (3) and shall be
14 transmitted in the same manner as a fee under subsection (3) is
15 transmitted. If a claim for money damages is joined with a claim
16 for relief other than money damages, the plaintiff shall pay a
17 supplemental filing fee in the same amount as required under
18 subsections (2) to (5).

19 (9) If a trial by jury is demanded, the party making the
20 demand at the time shall pay the sum of \$50.00. Failure to pay the
21 fee at the time the demand is made constitutes a waiver of the
22 right to a jury trial. The sum shall be taxed in favor of the party
23 paying the fee, in case the party recovers a judgment for costs.
24 For each fee collected under this subsection, the clerk shall
25 transmit \$10.00 to the state treasurer for deposit in the juror
26 compensation reimbursement fund created in section 151d.

27 (10) A sum of \$20.00 shall be assessed for all motions filed

1 in a civil action. A motion fee shall not be assessed in a civil
2 infraction action. For each fee collected under this subsection,
3 the clerk shall transmit \$10.00 to the state treasurer for deposit
4 in the state court fund created in section 151a and the balance
5 shall be transmitted to the treasurer of the district funding unit
6 for the district court in the district in which the action was
7 commenced.