

# HOUSE BILL No. 4861

(As amended June 19, 2007)

May 29, 2007, Introduced by Rep. Meadows and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 321 (MCL 600.321), as amended by 2005 PA 326.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 321. (1) The following fees shall be paid to the clerk of  
2 the court of appeals and may be taxed as costs ~~where~~ **IF** costs are  
3 allowed by order of the court:

4           (a) ~~The sum of \$375.00 for~~ **FOR** an appeal as of right, for an  
5 application for leave to appeal, or for an original proceeding,  
6 **\$375.00**. This fee shall be paid only once for appeals that are  
7 taken by multiple parties from the same lower court order or  
8 judgment and can be consolidated.

9           (b) Upon the entry of any motion except a motion described in  
10 subdivision (c) upon the motion docket, ~~the sum of \$100.00.~~

11           [Beginning October 1, 2007-2012, the fee required under this subdivision

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is \$75.00.]

(c) Upon the entry of a motion for immediate consideration or a motion to expedite appeal upon the motion docket, ~~the sum of~~ \$200.00. This fee shall be paid only once regardless of the number of lower court files involved in the appeal. A prosecuting attorney is exempt from paying a fee under this subdivision ~~when filing a motion for immediate consideration or a motion to expedite appeal~~ with regard to an appeal arising out of a criminal proceeding.

[Beginning October 1, ~~2007-2012~~, the fee required under this subdivision is \$150.00.]

(2) The clerk of the court of appeals shall ~~be allowed the sum of~~ **CHARGE** 50 cents per page for certified copies of entries or papers in any action or proceedings when required for any other purpose than one connected with the progress or disposition of the action or proceeding.

(3) The clerk shall charge ~~the sum of~~ 50 cents per page for all uncertified copies of opinions, except those sent to 1 counsel representing each party in the case, for which no charge shall be made.

(4) If a person is unable to pay the fees required by this section, the person, by motion, accompanied by the person's affidavit stating facts showing that inability, may ask the court to waive the fees and the court or a judge of the court may waive payment of the fees.

(5) Each month the clerk of the court of appeals shall deposit with the state treasurer all fees collected ~~, securing and filing~~ **AND OBTAIN AND FILE** a receipt for the fees deposited.

1 (6) Costs shall be awarded in the discretion of the court.