

HOUSE BILL No. 5055

July 24, 2007, Introduced by Reps. Donigan, Constan, Condino, Ebli, Mayes, Warren, Kathleen Law, Meisner, Miller, Alma Smith, Johnson, Bieda, Byrnes, Cushingberry, Tobocman and Vagnozzi and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1j of chapter IX (MCL 769.1j), as added by 2003 PA 70.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IX

Sec. 1j. (1) Beginning October 1, 2003, if the court orders a person convicted of an offense to pay any combination of a fine, costs, or applicable assessments, the court shall order that the person pay costs of not less than the following amount, as applicable:

(a) ~~\$60.00~~ **\$65.00**, if the defendant is convicted of a felony.

1 (b) ~~\$45.00~~**\$50.00**, if the defendant is convicted of a serious
2 misdemeanor or a specified misdemeanor.

3 (c) ~~\$40.00~~**\$45.00**, if the defendant is convicted of a
4 misdemeanor not described in subdivision (b).

5 (2) Of the costs ordered to be paid by a person convicted of
6 an offense, the clerk shall pay to the justice system fund created
7 in section 181 of the revised judicature act of 1961, 1961 PA 236,
8 MCL 600.181, the applicable amount specified as a minimum cost
9 under subsection (1).

10 (3) Payment of the minimum state cost is a condition of
11 probation under chapter XI of this act.

12 (4) If a defendant who is ordered to pay a minimum state cost
13 under subsection (1) posts a cash bond or bail deposit in
14 connection with the case, the court shall order that the minimum
15 state cost be collected out of the bond or deposit as provided in
16 section 15 of chapter V of this act or section 6 or 7 of 1966 PA
17 257, MCL 780.66 and 780.67.

18 (5) If a defendant who is ordered to pay a minimum state cost
19 under this section is subject to any combination of fines, costs,
20 restitution, assessments, or payments arising out of the same
21 criminal prosecution, money collected from that person for the
22 payment of fines, costs, restitution, assessments, or other
23 payments shall be allocated as provided in section 22 of chapter
24 XV. A fine imposed for a felony, misdemeanor, or ordinance
25 violation shall not be waived unless costs, other than the minimum
26 cost ordered under subsection (2), are waived.

27 (6) On the last day of each month, the clerk of the court

1 shall transmit the minimum state cost or portions of minimum state
2 cost collected under this section to the department of treasury for
3 deposit in the justice system fund created in section 181 of the
4 revised judicature act of 1961, 1961 PA 236, MCL 600.181.

5 (7) As used in this section:

6 (a) "Felony" means a violation of a penal law of this state
7 for which the offender may be punished by imprisonment for more
8 than 1 year or an offense expressly designated by law to be a
9 felony.

10 (b) "Minimum state cost" means the applicable minimum cost to
11 be ordered for a conviction under subsection (1).

12 (c) "Serious misdemeanor" means that term as defined in
13 section 61 of the **WILLIAM VAN REGENMORTER** crime victim's rights
14 act, 1985 PA 87, MCL 780.811.

15 (d) "Specified misdemeanor" means that term as defined in
16 section 1 of 1989 PA 196, MCL 780.901.

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 94th Legislature are
19 enacted into law:

20 (a) Senate Bill No. ____ or House Bill No. 5054 (request no.
21 00815'07 *).

22 (b) Senate Bill No. ____ or House Bill No. 5056 (request no.
23 00815'07 b).

24 (c) Senate Bill No. ____ or House Bill No. 5057 (request no.
25 00815'07 c).