

COURT COSTS: REVISE ALLOWABLE COSTS

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House Bill 5785

Sponsor: Rep. John Walsh

Committee: Judiciary

Complete to 9-10-14

A SUMMARY OF HOUSE BILL 5785 AS INTRODUCED 9-9-14

In addition to currently authorized costs, fines, and assessments, House Bill 5785 would amend the Code of Criminal Procedure to allow a court to impose any reasonable cost on a defendant found guilty of a crime. Reasonable costs could include, but would not be limited to, the following:

- The salaries and benefits for relevant court personnel;
- Goods and services necessary for the operation of the court; and/or
- Necessary expenses for the operation and maintenance of the court buildings and facilities.

Under the bill, the court would have to make available to the general public and to a defendant information about any fine, cost, or assessment imposed, including an explanation of any reasonable cost imposed under the bill. However, the explanation would not have to include the calculation of the costs involved in a particular case. The required information would have to be provided for all fines, costs, and assessments ordered or assessed under the bill beginning June 18, 2014.

Court costs, assessments, fines, and reimbursements. A court orders, or imposes, costs, assessments, reimbursements, and fines when a defendant enters a plea of guilty or no contest (*nolo contendere*). If after a trial or hearing the court finds a defendant guilty, the costs, assessments, fines, and reimbursements are ordered at sentencing or at the time entry of judgment of guilt is deferred or delayed under certain statutes.

A court currently **must** impose a minimum state cost (\$68 for a felony, \$50 for a misdemeanor or ordinance violation). In addition, a court currently **may** impose other specifically allowable fines, costs, reimbursements, and assessments as follows:

- Any fine or cost (the bill would clarify that this applies to a cost or fine *authorized by the statute for a violation of which the defendant entered a plea of guilty or nolo contendere or the court determined that the defendant was guilty*).
- The expenses of providing legal assistance to the defendant.
- Any assessment authorized by law.
- Reimbursement under Section 1f of Chapter 9 (Judgment and Sentence). Section 1f allows a defendant to be ordered to reimburse the state or local units of

government for expenses incurred related to the incident, such as costs of prosecution or emergency response.

MCL 769.1k

FISCAL IMPACT:

A fiscal analysis is in process.

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Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.