

**SUBSTITUTE FOR
HOUSE BILL NO. 5785**

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1k of chapter IX (MCL 769.1k), as amended by
2006 PA 655.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER IX

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Sec. 1k. (1) If a defendant enters a plea of guilty or nolo
contendere or if the court determines after a hearing or trial that
the defendant is guilty, both of the following apply at the time of
the sentencing or at the time entry of judgment of guilt is
deferred pursuant to statute or sentencing is delayed pursuant to
statute:

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(a) The court shall impose the minimum state costs as set
forth in section 1j of this chapter.

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1 (b) The court may impose any or all of the following:

2 (i) Any fine AUTHORIZED BY THE STATUTE FOR A VIOLATION OF WHICH
3 THE DEFENDANT ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE OR THE
4 COURT DETERMINED THAT THE DEFENDANT WAS GUILTY.

5 (ii) Any cost ~~in addition to the minimum state cost set forth~~
6 ~~in subdivision (a)~~. AUTHORIZED BY THE STATUTE FOR A VIOLATION OF
7 WHICH THE DEFENDANT ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE OR
8 THE COURT DETERMINED THAT THE DEFENDANT WAS GUILTY.

9 (iii) ANY REASONABLE COST IN ADDITION TO ANY OTHER COST
10 AUTHORIZED UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO, THE
11 FOLLOWING:

12 (A) SALARIES AND BENEFITS FOR RELEVANT COURT PERSONNEL.

13 (B) GOODS AND SERVICES NECESSARY FOR THE OPERATION OF THE
14 COURT.

15 (C) NECESSARY EXPENSES FOR THE OPERATION AND MAINTENANCE OF
16 COURT BUILDINGS AND FACILITIES.

17 (iv) ~~(iii)~~—The expenses of providing legal assistance to the
18 defendant.

19 (v) ~~(iv)~~—Any assessment authorized by law.

20 (vi) ~~(v)~~—Reimbursement under section 1f of this chapter.

21 (2) In addition to any fine, cost, or assessment imposed under
22 subsection (1), the court may order the defendant to pay any
23 additional costs incurred in compelling the defendant's appearance.

24 (3) Subsections (1) and (2) apply even if the defendant is
25 placed on probation, probation is revoked, or the defendant is
26 discharged from probation.

27 (4) The court may require the defendant to pay any fine, cost,

1 or assessment ordered to be paid under this section by wage
2 assignment.

3 (5) The court may provide for the amounts imposed under this
4 section to be collected at any time.

5 (6) Except as otherwise provided by law, the court may apply
6 payments received on behalf of a defendant that exceed the total of
7 any fine, cost, fee, or other assessment imposed in the case to any
8 fine, cost, fee, or assessment that the same defendant owes in any
9 other case.

10 (7) BEGINNING JANUARY 1, 2015, THE COURT SHALL MAKE AVAILABLE
11 TO THE GENERAL PUBLIC AND TO A DEFENDANT INFORMATION ABOUT ANY
12 FINE, COST, OR ASSESSMENT IMPOSED UNDER SUBSECTION (1), INCLUDING
13 AN EXPLANATION OF ANY COST IMPOSED UNDER SUBSECTION (1) (B) (iii) .
14 HOWEVER, THE EXPLANATION IS NOT REQUIRED TO INCLUDE THE CALCULATION
15 OF THE COSTS INVOLVED IN A PARTICULAR CASE.

16 Enacting section 1. This amendatory act applies to all fines,
17 costs, and assessments ordered or assessed under section 1k of
18 chapter IX of the code of criminal procedure, 1927 PA 175, MCL
19 769.1k, before June 18, 2014, and after the effective date of this
20 amendatory act.

21 Enacting section 2. This amendatory act is a curative measure
22 that addresses the authority of courts to impose costs under
23 section 1k of chapter IX of the code of criminal procedure, 1927 PA
24 175, MCL 769.1k, before the issuance of the supreme court opinion
25 in People v Cunningham (No. 147437), issued June 18, 2014.