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**BILL ANALYSIS**

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House Bill 4613 (Substitute S-1 as reported)  
Sponsor: Representative Rob VerHeulen  
House Committee: Appropriations  
Senate Committee: Appropriations

**CONTENT**

The bill would enact the "Trial Court Funding Act" to create the Trial Court Funding Commission within the Department of Treasury. The Commission would be required to review and recommend changes to the trial court funding system in light of *People v. Cunningham* (a July 2014 Michigan Supreme Court decision holding that a section of the Code of Criminal Procedure did not provide courts with the independent authority to impose costs upon criminal defendants). The Commission also would be required to review and recommend changes to the methods by which courts impose and allocate fees and costs, suggest statutory changes necessary to implement suggested changes, and file a final report with the Governor, the Senate Majority Leader, and the Speaker of the House of Representatives regarding its activities. The report would have to include the results of the Commission's review and its recommendations. The Commission would exist until the report was filed, which would have to occur within two years after the effective date of the Act.

The Commission would consist of 14 members appointed by the Governor. Two members would have to be selected by each of the following: the Governor, the Speaker of the House of Representatives, the Senate Majority Leader, and the State Bar of Michigan. One member would have to be selected by each of the following: the Michigan Municipal League, the Michigan Townships Association, the Michigan Association of Counties, the State Court Administrative Office, the Michigan Judges Association, and the Michigan District Judges Association. An individual appointed to the Commission would be required to have significant experience or involvement in the courts of the State, possess good moral character, and have not been charged with a felony or misdemeanor involving a controlled substance, theft, dishonesty, or fraud. The Commission would be subject to the Open Meetings Act and the Freedom of Information Act.

The proposed Act would take effect 90 days after it was enacted, and would be repealed on the date the Commission's final report was filed or two years after the effective date of the Act, whichever occurred first.

**FISCAL IMPACT**

The bill would have a small negative fiscal impact on the State and no fiscal impact on local government. Members of the Commission would serve without compensation, but would have to be reimbursed for their actual and necessary expenses. The costs would depend on the actual reimbursements requested by Commission members for expenses.

Date Completed: 6-15-17

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