

Legislative Analysis



EXTEND SUNSET ON COURT IMPOSITION OF COSTS

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House Bill 5488 (proposed substitute H-1)

Sponsor: Rep. Sarah L. Lightner

Committee: Judiciary

Complete to 5-12-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5488 would amend the Code of Criminal Procedure to extend by two years the ability of trial courts to impose certain costs on criminal defendants.

Currently, if a defendant enters a plea of guilty or no contest, or if the court determines after a hearing or trial that the defendant is guilty, the court is required to impose the minimum state costs as set forth by statute and is authorized to impose any or all of the following:

- Any fine authorized by the statute for a violation of which the defendant entered a plea of guilty or no contest or the court determined that he or she was guilty.
- Any cost authorized by that statute.
- The expense of providing legal assistance to the defendant.
- Any assessment authorized by law.
- Reimbursement for expenses incurred in responding to certain violations.
- **Until October 17, 2020**, any cost reasonably related to actual costs incurred by the trial court, including salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, and necessary expenses for the operation and maintenance of court buildings and facilities.

House Bill 5488 would extend the sunset provision on imposing costs related to actual costs incurred by trial courts for court operations. The sunset would be extended for about two years, from October 17, 2020, to October 1, 2022.

MCL 769.1k

FISCAL IMPACT:

House Bill 5488 would amend section 1k of Chapter IX of the Code of Criminal Procedure to extend the sunset provision on imposing costs related to actual costs incurred by trial courts for court operations. The sunset would be extended for two years, from October 2020 to October 2022. Extending the sunset would allow trial courts to continue to impose costs reasonably related to actual costs incurred by the courts for operation. According to the State Court Administrative Office, in FY 2018, courts imposed \$53.3 million in costs and collected \$44.8 million under section 1k. The bill would have no fiscal impact on the state but would have a fiscal impact on local courts. If the sunset provision were not extended, trial courts would lose this revenue.

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