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House Bill 5488 (Substitute H-1 as reported without amendment)  
Sponsor: Representative Sarah Lightner  
House Committee: Judiciary  
Senate Committee: Judiciary and Public Safety

### **CONTENT**

The bill would amend Section 1k of Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure to extend from October 17, 2020, to October 1, 2022, the authority of courts to impose costs related to actual costs incurred by trial courts for court operations.

Under Section 1k, 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 must impose the minimum State costs as set by statute, and the court may impose any of all of the following.

- Any fine authorized by statute.
- Any cost authorized by the statute.
- The expenses of providing legal assistance to the defendant.
- Any assessment authorized by law.
- Reimbursement for expenses incurred while responding to certain violations.

In addition, until October 17, 2020, the court may impose any cost reasonably related to the actual costs incurred by the trial court without separately calculating those costs involved in the particular case, 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.

The bill would extend this authority until October 1, 2022.

MCL 769.1k

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

By extending the sunset provision and allowing local courts to continue assess court costs on defendants, the bill would maintain a status quo that currently provides a substantial portion of funding to those courts through cost assessments, around 25% according to the Trial Court Funding Commission's Final Report dated September 2019. In this way, the bill would have no fiscal impact on local courts; however, the long-term propriety of these assessments is in question.<sup>1</sup> Extending the sunset gives lawmakers time to address the potential loss of local court revenue that could be in Michigan's future.

Date Completed: 7-23-20

Fiscal Analyst: Michael Siracuse

<sup>1</sup> See *People v. Cameron*, 504 Mich 927 (2019), McCormack, C.J. (concurring).