

HOUSE BILL NO. 5488

February 13, 2020, Introduced by Reps. Lightner and Wozniak and referred to the Committee on Judiciary.

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 2017 PA 64.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IX
2 Sec. 1k. (1) If a defendant enters a plea of guilty or nolo
3 contendere or if the court determines after a hearing or trial that
4 the defendant is guilty, both of the following apply at the time of
5 the sentencing or at the time entry of judgment of guilt is



1 deferred by statute or sentencing is delayed by statute:

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

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

5 (i) Any fine authorized by the statute for a violation of which
6 the defendant entered a plea of guilty or nolo contendere or the
7 court determined that the defendant was guilty.

8 (ii) Any cost authorized by the statute for a violation of
9 which the defendant entered a plea of guilty or nolo contendere or
10 the court determined that the defendant was guilty.

11 (iii) Until October ~~17, 2020~~, **1, 2023**, any cost reasonably
12 related to the actual costs incurred by the trial court without
13 separately calculating those costs involved in the particular case,
14 including, but not limited to, the following:

15 (A) Salaries and benefits for relevant court personnel.

16 (B) Goods and services necessary for the operation of the
17 court.

18 (C) Necessary expenses for the operation and maintenance of
19 court buildings and facilities.

20 (iv) The expenses of providing legal assistance to the
21 defendant.

22 (v) Any assessment authorized by law.

23 (vi) Reimbursement under section 1f of this chapter.

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

27 (3) Subsections (1) and (2) apply even if the defendant is
28 placed on probation, probation is revoked, or the defendant is
29 discharged from probation.



1 (4) The court may require the defendant to pay any fine, cost,
2 or assessment ordered to be paid under this section by wage
3 assignment.

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

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

11 (7) ~~Beginning January 1, 2015, the~~ **The** court shall make
12 available to a defendant information about any fine, cost, or
13 assessment imposed under subsection (1), including information
14 about any cost imposed under subsection (1)(b)(iii). However, the
15 information is not required to include the calculation of the costs
16 involved in a particular case.

17 (8) If the court imposes any cost under subsection (1)(b)(iii),
18 no later than March 31 of each year the clerk of the court shall
19 transmit a report to the state court administrative office in a
20 manner prescribed by the state court administrative office that
21 contains all of the following information for the previous calendar
22 year:

23 (a) The name of the court.

24 (b) The total number of cases in which costs under subsection
25 (1)(b)(iii) were imposed by that court.

26 (c) The total amount of costs that were imposed by that court
27 under subsection (1)(b)(iii).

28 (d) The total amount of costs imposed under subsection
29 (1)(b)(iii) that were collected by that court.



1 (9) No later than July 1 of each year, the state court
2 administrative office shall compile all data submitted under
3 subsection (8) during the preceding calendar year and submit a
4 written report to the governor, the secretary of the senate, and
5 the clerk of the house of representatives. The report described in
6 this subsection must be made available to the public by the
7 secretary of the senate and the clerk of the house of
8 representatives.

9 (10) A defendant ~~shall~~**must** not be imprisoned, jailed, or
10 incarcerated for the nonpayment of costs ordered under this section
11 unless the court determines that the defendant has the resources to
12 pay the ordered costs and has not made a good-faith effort to do
13 so.

