



HOUSE BILL No. 4956

July 15, 1993, Introduced by Reps. Gnodtke, Brackenridge, Randall, Middaugh, Bender, McNutt, Dalman, Gernaat, Goschka and Galloway and referred to the Committee on Judiciary.

A bill to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Department" means the department of treasury.

3 (b) "Funding unit" means 1 of the following, as applicable:

4 (i) For a circuit other than the third circuit of the cir-
5 cuit court, each county in the circuit.

6 (ii) For the third circuit of the circuit court and for the
7 recorder's court, the state.

8 (iii) For a district other than the thirty-sixth district of
9 the district court, the district control unit of the district, as
10 defined in section 8104 of the revised judicature act of 1961,

1 Act No. 236 of the Public Acts of 1961, being section 600.8104 of
2 the Michigan Compiled Laws.

3 (iv) For the thirty-sixth district of the district court,
4 the state.

5 (v) For a municipal court, the political unit where the
6 municipal court is located.

7 Sec. 2. The department, and a circuit, district, or municipi-
8 pal court, together with its funding unit if its funding unit is
9 not the state, may enter into an agreement as provided in section
10 3.

11 Sec. 3. An agreement entered into under this act shall pro-
12 vide for at least all of the following:

13 (a) Assignment to the state for collection by the department
14 of amounts that have been due and owing the court for not less
15 than 180 days, including, but not limited to, any or all of the
16 following:

17 (i) Fees, including reinstatement fees.

18 (ii) Fines.

19 (iii) Forfeitures.

20 (iv) Penalties and costs assessed for criminal offenses,
21 including the costs of prosecution and providing court-ordered
22 legal assistance to the defendant.

23 (v) Penalties and costs assessed for civil infractions,
24 civil violations, and parking violations.

25 (vi) Penalties and costs assessed for ordinance violations.

26 (vii) Forfeited recognizances.

1 (viii) Late penalties assessed pursuant to section 4803 of
2 the revised judicature act of 1961, Act No. 236 of the Public
3 Acts of 1961, being section 600.4803 of the Michigan Compiled
4 Laws.

5 (b) Provision of the information necessary for the depart-
6 ment to identify, locate, and collect delinquent accounts.

7 (c) Accounting for, settlement of, and transmission to the
8 court of money collected pursuant to the agreement.

9 (d) Collection of a fee by the state treasurer to recoup
10 costs associated with the collection services.

11 Sec. 4. A fee imposed by the department to recoup costs
12 associated with the collection services provided under this act
13 shall be calculated and collected on the same basis as fees
14 charged by the department to other state agencies for the same
15 collection services.

16 Sec. 5. For collection purposes only, a delinquent account
17 assigned to the department for collection under this act shall be
18 considered debts, unpaid accounts, or amounts due the state. In
19 carrying out an agreement entered into under section 2, the
20 department shall secure the collection and payment of amounts
21 pursuant to Act No. 375 of the Public Acts of 1927, being sec-
22 tions 14.131 to 14.134 of the Michigan Compiled Laws, and section
23 25 of Act No. 122 of the Public Acts of 1941, being section
24 205.25 of the Michigan Compiled Laws.

25 Sec. 6. The department, pursuant to its statutory and
26 common law authority, may offset tax refunds or other payments
27 due from the state to a person who owes a debt to a court that

1 would be collectible under an agreement described in this act.
2 The order of priority in offsetting tax refunds or other payments
3 shall be the order of priority set forth in section 30a(2) of Act
4 No. 122 of the Public Acts of 1941, being section 205.30a of the
5 Michigan Compiled Laws.

6 Sec. 7. When the court receives money collected by the
7 department under this act, the court shall, after deducting the
8 amount of the fee paid to the department for the cost of collec-
9 tion, distribute the remaining amount as required by law.

10 Sec. 8. This act shall take effect January 1, 1994.

11 Sec. 9. This act shall not take effect unless Senate Bill
12 No. _____ or House Bill No. 4957 (request no. 04221'93 a) of the
13 87th Legislature is enacted into law.