

HOUSE BILL No. 4738

May 22, 2003, Introduced by Rep. Gaffney and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8381 (MCL 600.8381), as amended by 1996 PA
374.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8381. (1) ~~When~~ **Until October 1, 2003, when** fines and
2 costs are assessed by a magistrate, a traffic bureau, or a judge
3 of the district court, not less than \$9.00 shall be assessed as
4 costs and collected for each conviction or civil infraction
5 determination and each guilty plea or civil infraction admission
6 except for parking violations. ~~Except as otherwise provided in~~
7 ~~this section, of~~ **Of** the costs assessed and collected, for each
8 conviction or civil infraction determination and each guilty plea
9 or civil infraction admission, \$9.00 shall be paid to the clerk
10 of the district court.

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1 **(2)** The clerk of the district court, on or before the
2 fifteenth day of the month **following the month** in which costs are
3 collected under ~~this section~~ **subsection (1)**, shall transmit **the**
4 **following amounts:**

5 **(a)** **Until October 1, 2003, the clerk shall transmit** 45 cents
6 of the costs collected to the executive secretary of the Michigan
7 judges retirement system created by the judges retirement act of
8 1992, ~~Act No. 234 of the Public Acts of 1992, being sections~~
9 ~~38.2101 to 38.2608 of the Michigan Compiled Laws~~ **1992 PA 234,**
10 **MCL 38.2101 to 38.2670,** and shall transmit \$8.55 of the costs
11 collected to the state treasurer. Of each \$8.55 received, the
12 state treasurer shall deposit 30 cents in the legislative
13 retirement fund created by the Michigan legislative retirement
14 system act, ~~Act No. 261 of the Public Acts of 1957, being~~
15 ~~sections 38.1001 to 38.1080 of the Michigan Compiled Laws~~ **1957**
16 **PA 261, MCL 38.1001 to 38.1080;** \$4.25 in the court equity fund
17 created under section 151b; and shall deposit the balance in the
18 state court fund created by section 151a.

19 **(b)** **Beginning October 1, 2003, the clerk shall transmit \$9.00**
20 **of any costs assessed before October 1, 2003 to the justice**
21 **system fund created in section 181 of the revised judicature act**
22 **of 1961, 1961 PA 236, MCL 600.181.**

23 **(3)** ~~(2) The~~ **Until October 1, 2003, the** clerk of the
24 district court shall prepare and submit a court filing fee report
25 to the executive secretary of the Michigan judges retirement
26 system created by ~~Act No. 234 of the Public Acts of 1992~~ **the**
27 **judges retirement act of 1992, 1992 PA 234, MCL 38.2101 to**

1 38.2670, at the same time the clerk of the district court
2 transmits the portion of the costs collected under this section
3 to the executive secretary.

4 (4) Beginning October 1, 2003, when fines and costs are
5 assessed by a judge or district court magistrate, the defendant
6 shall be ordered to pay costs of not less than \$45.00 for each
7 conviction for a serious misdemeanor or a specified misdemeanor
8 or costs of not less than \$35.00 for each conviction for any
9 other misdemeanor or ordinance violation.

10 (5) Beginning October 1, 2003, when fines and costs are
11 assessed by a judge or district court magistrate in a civil
12 infraction action, the defendant shall be ordered to pay the
13 state assessment required by section 8727 or 8827 of this act or
14 by section 907 of the Michigan vehicle code, 1949 PA 300, MCL
15 257.907.

16 (6) As used in this section:

17 (a) "Ordinance violation" means that term as defined in
18 section 1 of chapter I of the code of criminal procedure, 1927 PA
19 175, MCL 761.1.

20 (b) "Serious misdemeanor" means that term as defined in
21 section 61 of the crime victim's rights act, 1985 PA 87, MCL
22 780.811.

23 (c) "Specified misdemeanor" means that term as defined in
24 section 1 of 1989 PA 196, MCL 780.901.

25 Enacting section 1. This amendatory act takes effect
26 October 1, 2003.