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House Bills 4636 and 4637 (Substitute H-2 as passed by the House)

Sponsor: Representative Emily Dievendorf (H.B. 4636)

Representative Carol Glanville (H.B. 4637)

House Committee: Criminal Justice

Senate Committee: Committee of the Whole

Date Completed: 10-19-23

CONTENT

House Bill 4636 (H-2) would amend the Revised Judicature Act to exempt a juvenile or a parent, guardian, or legal custodian of a juvenile within the jurisdiction of the court under the juvenile Code from a late penalty if the juvenile failed to pay a fee or cost associated with court proceedings in 56 days.

House Bill 4637 (H-2) would amend the Code of Criminal Procedure to delete the following:

- **A requirement that the written order of commitment for a juvenile committed to a juvenile agency include a provision for the reimbursement to the court by the juvenile or the juvenile's guardians for the cost of care or service.**
- **A provision allowing the court to enter an order to intercept the tax refunds of a juvenile or his or her parent, guardian, or custodian for recovery of costs of care or service on a delinquent account.**
- **A provision allowing the court to order a juvenile or person responsible for the juvenile's support, or both, to reimburse the court for attorney fees if the court appoints an attorney to represent the juvenile.**

The bills are tie-barred to each other and to Senate Bills 428 and 429. Senate Bill 428 would amend the juvenile Code to modify considerations that a court would have to make before placing a juvenile's case on a consent calendar and prohibit the collection of any court-ordered fines or costs after October 1, 2024, among other things. Senate Bill 429 would amend the DNA Identification Profiling System Act to exempt a juvenile or a parent, guardian, or custodian of a juvenile from paying an assessment fee for the retention of the juvenile's DNA identification profile.

House Bill 4636 (H-2)

Among other things, the Revised Judicature Act prescribes a late penalty equal to 20% of the amount owed if a person fails to pay a penalty, fee, or cost within 56 days of the amount being due. The bill would exempt a juvenile or a parent, guardian, or legal custodian of a juvenile within the jurisdiction of the court under the juvenile Code from this late fee.

House Bill 4637 (H-2)

Under the Code of Criminal Procedure, if a juvenile is committed to a juvenile agency, the written order of commitment must contain a provision for the reimbursement to the court by the juvenile or those responsible for the juvenile's support for the cost of care or service. The amount of reimbursement ordered must be reasonable, considering the income and resources

of the juvenile and those responsible for the juvenile's support. The reimbursement provision applies during the entire period the juvenile remains in care outside the juvenile's own home and under court supervision. The Code specifies further how this reimbursement is allotted.

In cases of delinquent accounts, the court also may enter an order to intercept State tax refunds or the Federal income tax refund of a child, parent, guardian, or custodian and initiate to recover the cost of care or service. The court must send to the person who is the subject of the intercept order advance written notice of the proposed offset.

Additionally, if the court appoints an attorney to represent a juvenile, an order may require the juvenile or person responsible for the juvenile's support, or both, to reimburse the court for attorney fees.

The bill would delete all the provisions described above.

MCL 600.4803 (H.B. 4636)
769.1 (H.B. 4637)

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of all previous legislative efforts on this subject matter.)

House Bills 4636 and 4637 are companion bills to Senate Bills 430 and 431, respectively.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bills would eliminate non-restitution fees and costs for juvenile adjudication. The cost to local courts and the State are indeterminate; however, associated costs related to the current collection of such fees and costs would also be reduced, again, to an indeterminate degree. According to the State Court Administrative Office, the statewide costs for local courts to collect such fees are high and may currently cost court systems more than the outstanding amounts owed on an annual basis. This cannot be confirmed.

Some statewide data is available. According to the most recent Statewide Circuit Court Summary, total dispositions in circuit court under the juvenile code amounted to 20,762 in 2021. Additionally, there were 2,181 consent calendar proceedings for juveniles that same year.

House Bill 4636 (H-2) could result in an indeterminate loss in revenue for local funding units. Late fees would no longer be imposed on juveniles within the jurisdiction of the court. Currently, late fee revenue is transmitted by the clerk of the court to the treasurer or chief financial officer of the funding unit of the court for deposit in the general fund of the funding unit. The loss in revenue is indeterminate and would depend on the number of actual late fees that would no longer be imposed.

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