

# Legislative Analysis



## PAYMENT OF COURT COSTS, ASSESSMENTS IN CRIMINAL CASES

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5145**

**Sponsor: Rep. Glenn Steil, Jr.**

**Committee: Judiciary**

**Complete to 10-4-05**

### **A SUMMARY OF HOUSE BILL 5145 AS INTRODUCED 9-8-05**

The bill would amend Chapter IX of the Code of Criminal Procedure entitled, *Judgment and Sentence*, to provide that if a defendant enters a plea of guilty or nolo contendere, or if the court determines after a hearing or trial that the defendant is guilty, the court could impose and collect *any of the following* at the time of sentencing or entry of the judgment of guilty or, if the entry of the judgment or sentencing is delayed, at any time after the judgment of guilty or sentencing is delayed:

\*\*Any fine.

\*\*Any cost, including a minimum state cost, as authorized by the act.

\*\*The cost of providing legal assistance to the defendant.

\*\*Any assessment authorized by law, including a reimbursement or a crime victim rights assessment established in the Act.

The above would apply regardless of whether the defendant is placed on probation, probation is revoked, or the defendant is discharged from probation.

If a defendant who has been ordered to pay fines, costs, or assessments is incarcerated, the sheriff or Department of Corrections would deduct 50 percent of the funds received by the defendant in a month over \$50 for payment of the fine, cost, or assessment if ordered to do so by the court. The sheriff or DOC would have to promptly forward the deducted funds when the amount exceeds \$100 or would have to forward the entire amount if the defendant is released from custody. The sheriff or department of corrections would also be required to give an order of restitution under the Corrections Code or the Crime Victims' Rights Act priority over an order received under the Code of Criminal Procedure.

MCL 760.1k

### **FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact on the state and local units of government, depending on how it affected amounts collected for court-ordered fines, costs, and assessments, and the Crime Victim's Rights Fund. To the extent that it increased the amount of restitution paid, it could increase revenue for the Crime Victim's Rights Fund while decreasing amounts available for payment of other fines, fees, costs,

and assessments, which support local libraries, courts, law enforcement, and the budgets for the Judiciary and the Department of Corrections. Through requirements for monthly reviews of offender accounts and disbursements of certain funds as ordered by the court, bill also could increase administrative costs for county sheriffs and the Department of Corrections.

Legislative Analyst: E. Best  
Fiscal Analyst: Marilyn Peterson

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.