

Legislative Analysis



EXTEND SUNSET ON COURT IMPOSITION OF COSTS

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House Bill 5392 as introduced
Sponsor: Rep. Sarah L. Lightner
1st Committee: Criminal Justice
2nd Committee: Judiciary
Complete to 3-5-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5392 would amend the Code of Criminal Procedure to extend the ability of trial courts to impose certain costs on criminal defendants.

Currently, if a defendant enters a plea of guilty or no contest, or if the court determines after a hearing or trial that the defendant is guilty, the court is required to impose the minimum state costs as set forth by statute and is authorized to impose any or all of the following:

- Any fine authorized by the statute for a violation of which the defendant entered a plea of guilty or no contest or the court determined that the defendant was guilty.
- Any cost authorized by that statute.
- The expenses of providing legal assistance to the defendant.
- Any assessment authorized by law.
- Reimbursement for expenses incurred in responding to certain violations.
- **Until May 1, 2024**, any cost reasonably related to the actual costs incurred by the trial court, including salaries and benefits for relevant court personnel, goods and services necessary for operation of the court, and necessary expenses for operation and maintenance of court buildings and facilities.

The bill would extend the sunset provision (expiration date) on imposing costs related to actual costs incurred by trial courts for court operations. The sunset would be extended for two years, from May 1, 2024, to May 1, 2026.

MCL 769.1k

FISCAL IMPACT:

House Bill 5392 would amend section 1k of Chapter IX of the Code of Criminal Procedure to extend the sunset provision on imposing costs related to actual costs incurred by trial courts for court operations. The sunset would be extended for two years, from May 1, 2024, to May 1, 2026. Extending the sunset would allow trial courts to continue to impose costs reasonably related to actual costs incurred by the courts for operation.

The bill would have no fiscal impact on the state but would have a fiscal impact on local courts. Without extension of the sunset provision, trial courts would lose a significant amount of revenue. Below is a table that shows the amount of costs imposed and amount of revenue collected for the last seven fiscal years, according to reports submitted by the State Court

Administrative Office. It is worth noting the fluctuation in amounts over the years. Much of the fluctuation since 2019 can be attributed to the COVID-19 pandemic.

<u>Fiscal Year</u>	<u>Costs Imposed</u>	<u>Revenue Collected</u>
2016	\$56.3 million	\$38.0 million
2017	\$58.0 million	\$39.3 million
2018	\$54.9 million	\$39.6 million
2019	\$49.3 million	\$40.9 million
2020	\$31.1 million	\$27.4 million
2021	\$38.0 million	\$29.3 million
2022	\$36.5 million	\$25.8 million

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