

SENATE BILL No. 535

June 29, 2011, Introduced by Senator SCHUITMAKER and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1j of chapter IX (MCL 769.1j), as amended by
2008 PA 547.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IX

Sec. 1j. (1) Beginning October 1, 2003, if the court orders a
person convicted of an offense to pay any combination of a fine,
costs, or applicable assessments, the court shall order that the
person pay costs of not less than the following amount, as
applicable:

- (a) \$68.00, if the defendant is convicted of a felony.
- (b) \$53.00, if the defendant is convicted of a serious

1 misdemeanor or a specified misdemeanor.

2 (c) \$48.00, if the defendant is convicted of a misdemeanor not
3 described in subdivision (b).

4 (2) Of the costs ordered to be paid by a person convicted of
5 an offense, the clerk shall pay to the justice system fund created
6 in section 181 of the revised judicature act of 1961, 1961 PA 236,
7 MCL 600.181, the applicable amount specified as a minimum cost
8 under subsection (1).

9 (3) Payment of the minimum state cost is a condition of
10 probation under chapter XI of this act.

11 (4) If a defendant who is ordered to pay a minimum state cost
12 under subsection (1) posts a cash bond or bail deposit in
13 connection with the case, the court shall order that the minimum
14 state cost be collected out of the bond or deposit as provided in
15 section 15 of chapter V of this act or section 6 or 7 of 1966 PA
16 257, MCL 780.66 and 780.67.

17 (5) If a defendant who is ordered to pay a minimum state cost
18 under this section is subject to any combination of fines, costs,
19 restitution, assessments, or payments arising out of the same
20 criminal prosecution, money collected from that person for the
21 payment of fines, costs, restitution, assessments, or other
22 payments shall be allocated as provided in section 22 of chapter
23 XV. A fine imposed for a felony, misdemeanor, or ordinance
24 violation shall not be waived unless costs, other than the minimum
25 cost ordered under subsection (2), are waived.

26 (6) On the last day of each month, the clerk of the court
27 shall transmit the minimum state cost or portions of minimum state

1 cost collected under this section to the department of treasury for
2 deposit in the justice system fund created in section 181 of the
3 revised judicature act of 1961, 1961 PA 236, MCL 600.181.

4 (7) As used in this section:

5 (a) "Felony" means a violation of a penal law of this state
6 for which the offender may be punished by imprisonment for more
7 than 1 year or an offense expressly designated by law to be a
8 felony.

9 (b) "Minimum state cost" means the applicable minimum cost to
10 be ordered for a conviction under subsection (1).

11 (c) "Serious misdemeanor" means that term as defined in
12 section 61 of the William Van Regenmorter crime victim's rights
13 act, 1985 PA 87, MCL 780.811.

14 (d) "Specified misdemeanor" means ~~that term as defined in~~
15 ~~section 1 of 1989 PA 196, MCL 780.901.~~ **A MISDEMEANOR VIOLATION OF**
16 **ANY OF THE FOLLOWING:**

17 (i) **SECTION 602A, 625(1) OR (3), 626, OR 904 OF THE MICHIGAN**
18 **VEHICLE CODE, 1949 PA 300, MCL 257.602A, 257.625, 257.626, AND**
19 **257.904.**

20 (ii) **SECTION 82127(1) OR (3), 81134(1) OR (2), 81135, OR**
21 **80176(1) OR (3) OF THE NATURAL RESOURCES AND ENVIRONMENTAL**
22 **PROTECTION ACT, 1994 PA 451, MCL 324.82127, 324.81134, 324.81135,**
23 **AND 324.80176.**

24 (iii) **SECTION 185 OF THE AERONAUTICS CODE OF THE STATE OF**
25 **MICHIGAN, 1945 PA 327, MCL 259.185.**

26 (iv) **PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
27 **333.7401 TO 333.7461.**

1 (v) SECTION 701 OF THE MICHIGAN LIQUOR CONTROL CODE OF 1998,
2 1998 PA 58, MCL 436.1701.

3 (vi) SECTION 353 OR 355 OF THE RAILROAD CODE OF 1993, 1993 PA
4 354, MCL 462.353 AND 462.355.

5 (vii) SECTION 174, 218, 356, 356D, 359, 362, 362A, 377A, 380,
6 479A, 535, OR 540E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
7 750.174, 750.218, 750.356, 750.356D, 750.359, 750.362, 750.362A,
8 750.377A, 750.380, 750.479A, 750.535, AND 750.540E.

9 (viii) A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO A LAW
10 LISTED IN SUBPARAGRAPHS (i) TO (vii).

11 Enacting section 1. This amendatory act does not take effect
12 unless Senate Bill No. 536

13 of the 96th Legislature is enacted into law.