

HOUSE BILL NO. 4046

January 26, 2023, Introduced by Reps. Prestin, Roth, Bezotte, Rigas, Outman, Beson, St. Germaine, Neyer, Kunse, Markkanen, DeSana, VanderWall, Aragona, Greene and Meerman and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 8409 (MCL 600.8409), as amended by 1991 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8409. (1) ~~Attachment~~**The small claims division shall not**
2 **issue a writ of attachment** or garnishment ~~shall not issue from the~~
3 ~~small claims division prior to~~**before** judgment, but **may issue a**
4 **writ of** execution ~~may issue~~ in the manner prescribed by law, and
5 the judgment may be enforced in any other manner provided by law

1 and not prohibited under ~~the provisions of~~ this chapter. **A party to**
2 **an action under this chapter may be represented by an attorney at**
3 **law in matters related to the issuance of execution or other**
4 **enforcement of the judgment.**

5 (2) The state court administrator shall prepare instruction
6 sheets clearly explaining in plain English how, and under what
7 circumstances, a plaintiff in whose favor a judgment has been
8 entered may request the court to issue **a writ of** execution,
9 attachment, or garnishment to enforce payment of the judgment. A
10 copy of the instruction sheet ~~shall~~**must** be offered to the
11 plaintiff at the same time as a copy of the judgment is given to
12 the plaintiff under section 8410. Additional copies of the
13 instruction sheets, and forms for writs of garnishment, ~~shall~~**must**
14 be made available at the office of each clerk and deputy clerk of
15 the district court.