

# HOUSE BILL No. 5785

September 9, 2014, Introduced by Reps. Walsh, Pscholka and Rogers and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1k of chapter IX (MCL 769.1k), as amended by 2006 PA 655.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

CHAPTER IX

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2       Sec. 1k. (1) If a defendant enters a plea of guilty or nolo  
3 contendere or if the court determines after a hearing or trial that  
4 the defendant is guilty, both of the following apply at the time of  
5 the sentencing or at the time entry of judgment of guilt is  
6 deferred pursuant to statute or sentencing is delayed pursuant to  
7 statute:

8           (a) The court shall impose the minimum state costs as set  
9 forth in section 1j of this chapter.

1 (b) The court may impose any or all of the following:

2 (i) Any fine AUTHORIZED BY THE STATUTE FOR A VIOLATION OF WHICH  
3 THE DEFENDANT ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE OR THE  
4 COURT DETERMINED THAT THE DEFENDANT WAS GUILTY.

5 (ii) Any cost ~~in addition to the minimum state cost set forth~~  
6 ~~in subdivision (a)~~. AUTHORIZED BY THE STATUTE FOR A VIOLATION OF  
7 WHICH THE DEFENDANT ENTERED A PLEA OF GUILTY OR NOLO CONTENDERE OR  
8 THE COURT DETERMINED THAT THE DEFENDANT WAS GUILTY.

9 (iii) ANY REASONABLE COST IN ADDITION TO ANY OTHER COST  
10 AUTHORIZED UNDER THIS SECTION, INCLUDING, BUT NOT LIMITED TO, THE  
11 FOLLOWING:

12 (A) SALARIES AND BENEFITS FOR RELEVANT COURT PERSONNEL.

13 (B) GOODS AND SERVICES NECESSARY FOR THE OPERATION OF THE  
14 COURT.

15 (C) NECESSARY EXPENSES FOR THE OPERATION AND MAINTENANCE OF  
16 COURT BUILDINGS AND FACILITIES.

17 (iv) ~~(iii)~~—The expenses of providing legal assistance to the  
18 defendant.

19 (v) ~~(iv)~~—Any assessment authorized by law.

20 (vi) ~~(v)~~—Reimbursement under section 1f of this chapter.

21 (2) In addition to any fine, cost, or assessment imposed under  
22 subsection (1), the court may order the defendant to pay any  
23 additional costs incurred in compelling the defendant's appearance.

24 (3) Subsections (1) and (2) apply even if the defendant is  
25 placed on probation, probation is revoked, or the defendant is  
26 discharged from probation.

27 (4) The court may require the defendant to pay any fine, cost,

1 or assessment ordered to be paid under this section by wage  
2 assignment.

3 (5) The court may provide for the amounts imposed under this  
4 section to be collected at any time.

5 (6) Except as otherwise provided by law, the court may apply  
6 payments received on behalf of a defendant that exceed the total of  
7 any fine, cost, fee, or other assessment imposed in the case to any  
8 fine, cost, fee, or assessment that the same defendant owes in any  
9 other case.

10 (7) THE COURT SHALL MAKE AVAILABLE TO THE GENERAL PUBLIC AND  
11 TO A DEFENDANT INFORMATION ABOUT ANY FINE, COST, OR ASSESSMENT  
12 IMPOSED UNDER SUBSECTION (1), INCLUDING AN EXPLANATION OF ANY COST  
13 IMPOSED UNDER SUBSECTION (1) (B) (iii). HOWEVER, THE EXPLANATION IS NOT  
14 REQUIRED TO INCLUDE THE CALCULATION OF THE COSTS INVOLVED IN A  
15 PARTICULAR CASE. THE AMENDATORY ACT THAT ADDED THIS SUBSECTION  
16 APPLIES TO ALL FINES, COSTS, AND ASSESSMENTS ORDERED OR ASSESSED  
17 UNDER THIS SECTION BEGINNING JUNE 18, 2014.