



Senate Fiscal Agency
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Senate Bill 244 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Jim Runestad
Committee: Judiciary and Public Safety

CONTENT

The bill would amend Chapter 19 (Commencement of Action and Service of Process) of the Revised Judicature Act to modify a provision allowing service of process to be made by an affidavit.

Under the Act, proof of service of process must be made by one of the following methods:

- Written acknowledgment of the receipt of a summons and a copy of the complaint, dated and signed by the person authorized under the Act to receive them.
- A certificate, stating the facts of service, if service is made in the State by a sheriff or a deputy sheriff, medical examiner, bailiff, or constable, or a deputy of any of these officers, if the officers held office in a county in which the court issuing the process is held.
- An affidavit, stating the facts of service, if service is made by any other person, and indicating his or her official capacity, if any.

Instead, under the bill, proof of service of process would have to be made by one of the following methods:

- Written acknowledgment of the receipt of a summons and a copy of the complaint, dated and signed by the person authorized under the Act to receive them.
- A certificate, stating the facts of service, if service were made in the State by a sheriff, a deputy sheriff, a medical examiner, a court officer, or a constable, or a deputy of any of these officers.
- A written statement of the facts of service that is signed and dated and verified by the following statement: "I declare under the penalty of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief", if service were made by an individual other than a sheriff, a deputy sheriff, a medical examiner, a court officer, or a constable, or a deputy of any of those officers.

The bill would take effect 180 days after its enactment.

MCL 600.1910

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 12-8-21

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