



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4426 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Michael E. Nye

House Committee: Judiciary and Civil Rights

Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act (RJA) to establish procedures under which violations of State law could be adjudicated as State civil infractions. The bill would define "state civil infraction" as "a civil infraction involving a violation of state law that is designated by statute as a state civil infraction". ("Civil infraction" means "an act or omission that is prohibited by a law and is not a crime under that law or that is prohibited by an ordinance and is not a crime under that ordinance, and for which civil sanctions may be ordered".) The bill also would do all of the following:

- Allow a district court to establish a State civil infraction bureau.
- Provide for the adjudication of State civil infractions other than those involving a traffic or parking violation.
- Impose driver's license sanctions for failure to appear in response to a citation issued for, or failure to comply with an order or judgment involving, a State civil infraction enforceable under the RJA.
- Provide for the imprisonment of a State civil infraction violator, on civil contempt charges, upon his or her defaulting on an order to pay civil fines or costs.
- Require that civil infraction fines for violation of a State statute be applied to support libraries.
- Authorize a judge or magistrate to assess costs incurred in compelling a defendant's appearance in a State or municipal civil infraction action.
- Specify that a State civil infraction would not be a lesser included offense of a criminal offense.

The bill would take effect on January 1, 1996, and is tie-barred to House Bill 4427.

MCL 600.113 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

For those district courts that chose to establish a State civil infraction bureau, there would be additional staff costs to run the bureau. Otherwise the legislation would be a clarification and codification of procedures that already are being done by the courts.

Date Completed: 4-25-95

Fiscal Analyst: L. Nacionales-Tafoya
B. Baker

floor\hb4426

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.