

Act No. 54
Public Acts of 1995
Approved by the Governor
May 22, 1995
Filed with the Secretary of State
May 22, 1995

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995

Introduced by Rep. Nye

ENROLLED HOUSE BILL No. 4426

AN ACT to amend sections 113, 8313, 8375, and 8512 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," as amended by Act No. 12 of the Public Acts of 1994, being sections 600.113, 600.8313, 600.8375, and 600.8512 of the Michigan Compiled Laws; and to add sections 8392 and 8735 and chapter 88.

The People of the State of Michigan enact:

Section 1. Sections 113, 8313, 8375, and 8512 of Act No. 236 of the Public Acts of 1961, as amended by Act No. 12 of the Public Acts of 1994, being sections 600.113, 600.8313, 600.8375, and 600.8512 of the Michigan Compiled Laws, are amended and sections 8392 and 8735 and chapter 88 are added to read as follows:

Sec. 113. (1) As used in this act:

(a) "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. Civil infraction includes, but is not limited to, the following:

(i) A violation of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, designated as a civil infraction.

(ii) A violation of a city, township, or village ordinance substantially corresponding to a provision of Act No. 300 of the Public Acts of 1949, if the ordinance designates the violation as a civil infraction.

(iii) A violation of an ordinance adopted pursuant to Act No. 235 of the Public Acts of 1969, being sections 257.941 to 257.943 of the Michigan Compiled Laws.

(iv) A violation of a city, township, or village ordinance adopting the uniform traffic code promulgated under Act No. 62 of the Public Acts of 1956, being sections 257.951 to 257.954 of the Michigan Compiled Laws, if the uniform traffic code designates the violation as a civil infraction.

(v) A violation of an ordinance adopted by the governing board of a state university or college pursuant to Act No. 291 of the Public Acts of 1967, being sections 390.891 to 390.893 of the Michigan Compiled Laws, if the ordinance designates the violation as a civil infraction.

(vi) A violation of regulations adopted by a county board of commissioners pursuant to Act No. 58 of the Public Acts of 1945, being section 46.201 of the Michigan Compiled Laws.

(vii) A municipal civil infraction.

(viii) A state civil infraction.

(b) "Civil infraction action" means a civil action in which the defendant is alleged to be responsible for a civil infraction.

(c) "Municipal civil infraction" means a civil infraction involving a violation of an ordinance. Municipal civil infraction includes, but is not limited to, a trailway municipal civil infraction. Municipal civil infraction does not include a violation described in subdivision (a)(i) to (vi) or any act or omission that constitutes a crime under any of the following:

(i) Article 7 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

(ii) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.1 to 750.568 of the Michigan Compiled Laws.

(iii) The Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(iv) The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(v) The marine safety act, Act No. 303 of the Public Acts of 1967, being sections 281.1001 to 281.1199 of the Michigan Compiled Laws.

(vi) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(vii) Act No. 74 of the Public Acts of 1968, being sections 257.1501 to 257.1518 of the Michigan Compiled Laws.

(viii) Act No. 319 of the Public Acts of 1975, being sections 257.1601 to 257.1626 of the Michigan Compiled Laws.

(ix) Act No. 4 of the Public Acts of 1986, being sections 470.201 to 470.210 of the Michigan Compiled Laws.

(x) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

(d) "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction. Municipal civil infraction action includes, but is not limited to, a trailway municipal civil infraction action.

(e) "State civil infraction" means a civil infraction involving a violation of state law that is designated by statute as a state civil infraction.

(f) "State civil infraction action" means a civil action in which the defendant is alleged to be responsible for a state civil infraction.

(g) "Trailway municipal civil infraction" means a municipal civil infraction involving the operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by ordinance.

(h) "Trailway municipal civil infraction action" means a civil infraction action in which the defendant is alleged to be responsible for a trailway municipal civil infraction.

(2) Except as otherwise provided in this act:

(a) A civil infraction action involving a traffic or parking violation is governed by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(b) A municipal civil infraction action is governed by chapter 87.

(c) A state civil infraction action is governed by chapter 88.

(3) A determination that a defendant is responsible for a civil infraction and thus subject to civil sanctions shall be by a preponderance of the evidence.

Sec. 8313. A violation of state criminal law shall be prosecuted in the district court by the prosecuting attorney. A violation of an ordinance of a political subdivision that is a misdemeanor or that is not designated as a civil infraction shall be prosecuted in the district court by the attorney for the political subdivision whose ordinance was violated. If the violation is a civil infraction, the prosecuting attorney or attorney for the political subdivision shall appear in court only in those civil infraction actions that are contested before a judge of the district court in a formal hearing as provided in any of the following, as applicable:

(a) Section 8721.

(b) Section 8821.

(c) Section 747 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.747 of the Michigan Compiled Laws.

Sec. 8375. The district court may assess the same costs as are permitted in the circuit court. In civil infraction actions, the district court may assess costs as provided in section 907 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.907 of the Michigan Compiled Laws, section 8727, or section 8827, as applicable. A district court magistrate may assess costs in an amount fixed by rule of the district court.

Sec. 8392. (1) Upon the approval of the governing body of a district control unit, the district court may establish within the court a state civil infraction bureau. The state civil infraction bureau may utilize clerks or other personnel of the district court to accept, as authorized by the judges of the district, admissions for civil infractions under chapter 88, and to collect civil fines and costs as prescribed by the judges of the district. The chief or only judge of the district, subject to the supervision of the supreme court, has authority over the state civil infraction bureau personnel and shall determine the location and number of state civil infraction bureau offices. Appeals by leave of the court may be taken from the state civil infraction bureau to the district court. Appeals shall be taken within 7 days after the entry of the civil infraction admission and shall be heard de novo.

(2) A state civil infraction bureau may be combined with a traffic bureau.

Sec. 8512. (1) A district court magistrate may hear and preside over civil infraction admissions and admissions with explanation and conduct informal hearings in civil infraction actions pursuant to section 746 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.746 of the Michigan Compiled Laws, section 8719, or section 8819, as applicable. In exercising the authority conferred by this subsection, the magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law. If the defendant is determined to be responsible for a civil infraction, the magistrate may impose the civil sanctions authorized by section 907 of Act No. 300 of the Public Acts of 1949, being section 257.907 of the Michigan Compiled Laws, section 8727, or section 8827, as applicable.

(2) A district court magistrate shall not conduct an informal hearing in a civil infraction action involving a traffic or parking violation governed by Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, until he or she has successfully completed a special training course in traffic law adjudication and sanctions. The course shall be given periodically by the state court administrator.

(3) A district court magistrate may exercise the authority conferred by this section only to the extent expressly authorized by the chief judge, presiding judge, or only judge of the district court district.

Sec. 8735. If the defendant in a municipal civil infraction action is determined responsible for a municipal civil infraction, the judge or district court magistrate, in addition to any fine and costs imposed under section 8727, may assess additional costs incurred in compelling the appearance of the defendant, which additional costs shall be returned to the general fund of the unit of government incurring the costs.

CHAPTER 88.

STATE CIVIL INFRACTIONS

Sec. 8801. (1) This chapter applies only to a state civil infraction action involving a violation of state law that is designated as a state civil infraction.

(2) This chapter does not apply to a civil infraction action involving a traffic or parking violation.

(3) As used in this chapter:

(a) "Citation" means a written complaint or notice to appear in court upon which a law enforcement officer records the occurrence or existence of 1 or more state civil infractions by the person cited.

(b) "Civil infraction determination" means a determination that a defendant is responsible for a state civil infraction by 1 of the following:

(i) An admission of responsibility for the state civil infraction.

(ii) An admission of responsibility for the state civil infraction, "with explanation".

(iii) A preponderance of the evidence at an informal hearing or formal hearing on the question under section 8819 or 8821, respectively.

(iv) A default judgment, for failing to appear as directed by a citation or other notice, at a scheduled appearance under section 8815(3)(b) or (4), at an informal hearing under section 8819, or at a formal hearing under section 8821.

(c) "Law enforcement officer" means any of the following:

(i) A sheriff or deputy sheriff.

(ii) An officer of the police department of a city, village, or township, or the marshal of a city, village, or township.

(iii) An officer of the Michigan state police.

(iv) A conservation officer.

(v) A security employee employed by the state pursuant to section 6c of Act No. 59 of the Public Acts of 1935, being section 28.6c of the Michigan Compiled Laws.

(vi) A motor carrier officer appointed pursuant to section 6d of Act No. 59 of the Public Acts of 1935, being section 28.6d of the Michigan Compiled Laws.

(vii) A public safety officer employed by a university as authorized by either of the following:

(A) Act No. 278 of the Public Acts of 1965, being sections 390.711 to 390.717 of the Michigan Compiled Laws.

(B) Act No. 120 of the Public Acts of 1990, being sections 390.1511 to 390.1514 of the Michigan Compiled Laws.

(viii) If authorized by the governing body of a political subdivision, a constable of the political subdivision.

Sec. 8803. (1) A state civil infraction action is commenced upon the issuance of a citation as provided in section 8807. The plaintiff in a state civil infraction action is the state.

(2) The district court and any municipal court have exclusive jurisdiction over state civil infraction actions.

(3) The time specified in a citation for appearance shall be within a reasonable time after the citation is issued pursuant to section 8807.

(4) The place specified in the citation for appearance shall be the court referred to in subsection (2) that has territorial jurisdiction of the place where the state civil infraction occurred. Venue in the district court is governed by section 8312.

(5) If the person cited is a minor, that individual shall be permitted to appear in court or to admit responsibility for a state civil infraction without the necessity of appointment of a guardian or next friend. The courts listed in subsection (2) shall have jurisdiction over the minor and may proceed in the same manner and in all respects as if that individual were an adult.

Sec. 8805. (1) Each citation shall be numbered consecutively, be in a form as approved by the state court administrator, and consist of the following parts:

(a) The original, which is a complaint and notice to appear by the law enforcement officer and shall be filed with the court in which the appearance is to be made.

(b) The first copy, which shall be retained by the law enforcement agency.

(c) The second copy, which shall be issued to the alleged violator if the violation is a misdemeanor.

(d) The third copy, which shall be issued to the alleged violator if the violation is a state civil infraction.

(2) With the prior approval of the state court administrator, the citation may be modified as to content or number of copies to accommodate law enforcement and local court procedures and practices. Use of this citation for violations other than state civil infractions is optional.

(3) A complaint for a state civil infraction signed by a law enforcement officer shall be treated as made under oath if the complaint contains the following statement immediately above the date and signature of the officer: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief."

Sec. 8807. (1) A law enforcement officer who witnesses a person violating state law, the violation of which is a state civil infraction, may stop the person, detain the person temporarily for the purpose of issuing a citation, and prepare and subscribe, as soon as possible and as completely as possible, an original and 3 copies of a citation.

(2) A law enforcement officer may issue a citation to a person if, based upon personal investigation, the officer has reasonable cause to believe that the person is responsible for a state civil infraction in connection with an accident.

(3) Except as otherwise provided in subsection (2), a law enforcement officer may issue a citation to a person if, based upon the officer's personal investigation of a complaint by someone who witnessed the person violating state law, the violation of which is a state civil infraction, the officer has reasonable cause to believe that the person is responsible for a state civil infraction and if the prosecuting attorney approves in writing the issuance of the citation.

(4) The law enforcement officer shall personally serve the third copy of the citation upon the alleged violator.

Sec. 8809. (1) A citation issued pursuant to section 8807 shall name the state as the plaintiff and shall contain the name and address of the defendant, the state civil infraction alleged, the place where the defendant shall appear in court, the telephone number of the court, the time at or by which the appearance shall be made, and the additional information required by this section.

(2) The citation shall inform the defendant that he or she, at or by the time specified for appearance, may do 1 of the following:

(a) Admit responsibility for the state civil infraction in person, by representation, or by mail.

(b) Admit responsibility for the state civil infraction “with explanation” in person, by representation, or by mail.

(c) Deny responsibility for the state civil infraction by doing either of the following:

(i) Appearing in person for an informal hearing before a judge or a district court magistrate, without the opportunity of being represented by an attorney.

(ii) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

(3) The citation shall inform the defendant that if the defendant desires to admit responsibility “with explanation” other than by mail or to have an informal hearing or a formal hearing, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing. A hearing date may be specified on the citation.

(4) The citation shall contain a notice in boldfaced type that the failure of the defendant to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a default judgment against the defendant on the state civil infraction and a refusal by the secretary of state to issue or renew an operator’s or chauffeur’s license for the defendant. Timely application to the court for a hearing, return of the citation with an admission of responsibility with explanation, or return of the citation with an admission of responsibility and with full payment of applicable civil fines and costs constitutes a timely appearance.

Sec. 8811. If a law enforcement officer issues a citation under section 8807, the court may accept an admission with explanation or an admission or denial of responsibility upon the citation without the necessity of a sworn complaint. If the defendant denies responsibility for the state civil infraction, further proceedings shall not be had until a sworn complaint relating to the state civil infraction is filed with the court.

Sec. 8813. A law enforcement officer who, knowing the statement is false, makes a materially false statement in a citation issued under section 8807 is guilty of perjury, a felony punishable by imprisonment for not more than 15 years, and in addition is in contempt of court.

Sec. 8815. (1) A person to whom a citation is issued under section 8807 shall appear by or at the time specified in the citation and may respond to the allegations in the citation as provided in this section.

(2) If the defendant wishes to admit responsibility for the state civil infraction, the defendant may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the defendant personally appeared in court. Upon acceptance of the admission, the court may order any of the sanctions permitted under section 8827.

(3) If the defendant wishes to admit responsibility for the state civil infraction “with explanation”, the defendant may do so in either of the following ways:

(a) By appearing by mail.

(b) By contacting the court in person, by mail, by telephone, or by representation to obtain from the court a scheduled date and time to appear, at which time the defendant shall appear in person or by representation.

(4) If a defendant admits responsibility for a state civil infraction “with explanation” under subsection (3), the court shall accept the admission as though the defendant has admitted responsibility under subsection (2) and may consider the defendant’s explanation by way of mitigating any sanction that the court may order under section 8827. If appearance is made by representation or mail, the court may accept the admission with the same effect as though the defendant personally appeared in court, but the court may require the defendant to provide a further explanation or to appear in court.

(5) If the defendant wishes to deny responsibility for a state civil infraction, the defendant shall do so by appearing for an informal or formal hearing. If the hearing date is not specified on the citation, the defendant shall contact the court in person, by representation, by mail, or by telephone, and obtain a scheduled date and time to appear for an informal or formal hearing. If the hearing date is specified on the citation, the defendant shall appear on that date for an informal hearing unless the defendant contacts the court at least 10 days before that date in person, by representation, by mail, or by telephone to request a formal hearing. The court shall schedule an informal hearing, unless the defendant expressly requests a formal hearing. If the defendant expressly requests a formal hearing, the court shall schedule a formal hearing. If an informal or formal hearing is scheduled by telephone, the court shall mail the defendant a confirming notice of that hearing by regular mail to the address appearing on the citation or to an address that is furnished by the defendant. An informal hearing shall be conducted pursuant to section 8819, and a formal hearing shall be conducted pursuant to section 8821.

Sec. 8819. (1) An informal hearing shall be conducted by a district court magistrate, if authorized by the judge or judges of the district court district, or by a judge of the district court or a municipal court. A district court magistrate may administer oaths, examine witnesses, and make findings of fact and conclusions of law at an informal hearing. The

judge or district court magistrate shall conduct the informal hearing in an informal manner so as to do substantial justice according to the rules of substantive law, but is not bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications. There shall not be a jury at an informal hearing. A verbatim record of an informal hearing is not required.

(2) At an informal hearing, the defendant may not be represented by an attorney and the plaintiff may not be represented by the prosecuting attorney.

(3) Notice of a scheduled informal hearing shall be given to the plaintiff. The plaintiff and defendant may subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs.

(4) If the judge or district court magistrate determines by a preponderance of the evidence that the defendant is responsible for a state civil infraction, the judge or magistrate shall enter an order against the defendant as provided in section 8827. Otherwise, a judgment shall be entered for the defendant, but the defendant is not entitled to costs of the action.

(5) The plaintiff or defendant may appeal an adverse judgment entered at an informal hearing. An appeal from a municipal judge shall be a bench trial de novo in the circuit court. In other instances, an appeal shall be de novo in the form of a scheduled formal hearing as follows:

- (a) The appeal from a judge of the district court shall be heard by a different judge of the district.
- (b) The appeal from a district court magistrate shall be heard by a judge of the district.

Sec. 8821. (1) A formal hearing shall be conducted only by a judge of the district court or a municipal court.

(2) In a formal hearing, the defendant may be represented by an attorney, but is not entitled to counsel appointed at public expense.

(3) Notice of a formal hearing shall be given to the prosecuting attorney. The prosecuting attorney shall appear in court for a formal hearing and is responsible for the issuance of a subpoena to each witness for the plaintiff. The defendant may also subpoena witnesses. Witness fees need not be paid in advance to a witness. Witness fees for a witness on behalf of the plaintiff are payable by the district control unit of the district court for the place where the hearing occurs.

(4) There shall not be a jury trial in a formal hearing.

(5) If the judge determines by a preponderance of the evidence that the defendant is responsible for a state civil infraction, the judge shall enter an order against the defendant as provided in section 8827. Otherwise, a judgment shall be entered for the defendant, but the defendant is not entitled to costs of the action.

Sec. 8823. (1) If the defendant fails to appear as directed by the citation or other notice, at a scheduled appearance under section 8815(3)(b) or (4), at a scheduled informal hearing, or at a scheduled formal hearing, the court shall enter a default judgment against the defendant.

(2) Unless the court has granted an adjournment for good cause shown, the court shall enter a judgment for the defendant if the law enforcement officer who issued the citation for a state civil infraction fails to appear at a scheduled informal hearing or if the prosecuting attorney fails to appear or is unable to proceed at a scheduled formal hearing, but the defendant is not entitled to costs of the action.

Sec. 8825. (1) A law enforcement officer issuing a citation under this chapter for a state civil infraction shall not accept a fee for issuing the citation.

(2) A law enforcement officer who violates this section is guilty of misconduct in office and subject to removal from office.

Sec. 8827. (1) A state civil infraction is not a lesser included offense of a criminal offense.

(2) If a defendant is determined to be responsible or responsible "with explanation" for a state civil infraction, the judge or district court magistrate may order the defendant to pay a civil fine as provided by law and costs as provided in subsection (3). In the order of judgment, the judge or district court magistrate may grant a defendant permission to pay a civil fine and costs within a specified period of time or in specified installments. Otherwise, the civil fine and costs are payable immediately.

(3) If a defendant is ordered to pay a civil fine under subsection (2), the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the state civil infraction, up to the entry of judgment. Costs of not less than \$9.00 shall be ordered. Costs shall not be ordered in excess of \$500.00. Costs in a state civil infraction action in the district court shall be distributed as provided in sections 8379 and 8381. Costs in a state civil infraction action in a municipal court shall be paid to the county.

(4) A district court magistrate shall impose the sanctions permitted under subsection (2) only to the extent expressly authorized by the chief judge or only judge of the district court district.

(5) Each district of the district court and each municipal court may establish a schedule of civil fines and costs to be imposed for state civil infractions that occur within the district or city. If a schedule is established, it shall be prominently posted and readily available for public inspection. A schedule need not include all violations that are designated by law as state civil infractions.

(6) A default in the payment of a civil fine or costs ordered under subsection (2) or (3) or an installment of the fine or costs may be collected by a means authorized for the enforcement of a judgment under chapter 40 or chapter 60.

(7) Not less than 28 days after a defendant fails to appear in response to a citation issued for, or fails to comply with an order or judgment involving, a state civil infraction, the court shall give notice by ordinary mail, addressed to the defendant's last known address, that if the defendant fails to appear or fails to comply with the order or judgment described in this subsection within 14 days after the notice is issued, the court will give to the secretary of state notice of that failure. Upon receiving notice of that failure, the secretary of state shall not issue or renew an operator's or chauffeur's license for the defendant until both of the following occur:

(a) The court informs the secretary of state that the defendant has resolved all outstanding matters regarding each notice or citation.

(b) The defendant has paid to the court a \$25.00 driver license reinstatement fee. If the court determines that the defendant is not responsible for any violation for which the defendant's license was not issued or renewed under this subsection, the court shall waive the driver license reinstatement fee.

(8) A defendant who fails to comply with an order or judgment issued under this section is guilty of a misdemeanor.

Sec. 8829. (1) If a defendant defaults in the payment of a civil fine or costs or of any installment, as ordered pursuant to section 8827, the court, upon the motion of the plaintiff or upon its own motion, may require the defendant to show cause why the default should not be treated as in civil contempt and may issue a summons, order to show cause, or a bench warrant of arrest for the defendant's appearance.

(2) If a corporation or an association is ordered to pay a civil fine or costs, the individuals authorized to make disbursement shall pay the fine or costs, and their failure to do so shall be civil contempt unless they make the showing required in this section.

(3) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court shall find that the default constitutes a civil contempt and may order the defendant committed until all or a specified part of the civil fine, costs, or both, is paid.

(4) If it appears that the default in the payment of a fine or costs does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of payment or of each installment, or revoking the fine or costs.

(5) The term of imprisonment on civil contempt for nonpayment of a civil fine or costs shall be specified in the order of commitment, and shall not exceed 1 day for each \$30.00 of the fine and costs. A person committed for nonpayment of a civil fine or costs shall be given credit toward payment for each day of imprisonment and each day of detention in default of recognizance before judgment at the rate of \$30.00 per day.

(6) A defendant committed to imprisonment for civil contempt for nonpayment of a civil fine or costs shall not be discharged from custody until 1 of the following occurs:

(a) The defendant is credited with the amount due pursuant to subsection (5).

(b) The amount due is collected through execution of process or otherwise.

(c) The amount due is satisfied pursuant to a combination of subdivisions (a) and (b).

(7) The civil contempt shall be purged upon discharge of the defendant pursuant to subsection (6).

Sec. 8831. (1) A civil fine which is ordered under section 8827 for a violation of state statute shall be exclusively applied to the support of public libraries and county law libraries in the same manner as is provided by law for penal fines assessed and collected for violation of a penal law of the state.

(2) Subsection (1) is intended to maintain a source of revenue for public libraries which previously received penal fines for misdemeanor violations of state statute which are now designated state civil infractions.

Sec. 8835. If the defendant in a state civil infraction action is determined responsible for a state civil infraction, the judge or district court magistrate, in addition to any fine and costs imposed under section 8827, may assess additional costs incurred in compelling the appearance of the defendant, which additional costs shall be returned to the general fund of the unit of government incurring the costs.

Section 2. This amendatory act shall take effect January 1, 1996.

Section 3. This amendatory act shall not take effect unless House Bill No. 4427 of the 88th Legislature is enacted into law.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.