

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

SFA



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5303 (Substitute S-1 as reported)
House Bill 5304 (Substitute S-1 as reported)
Sponsor: Representative Mickey Mortimer (House Bill 5303)
Representative Jerry Koiman (House Bill 5304)
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bill 5303 (S-1) would amend the Revised Judicature Act (RJA) to exclude from court filing fees and motion fees an action for the enforcement of a foreign protection order (FPO) under House Bill 5275. Under the RJA, the party bringing a civil action must pay a \$62 fee to the circuit court. An action brought exclusively under the sections of the RJA providing for domestic violence or stalking personal protection orders (PPOs) is exempt from the filing fee. Under the bill, an action brought exclusively under House Bill 5275 also would be exempt. The RJA also requires a \$20 fee to be paid to the circuit court when a motion is filed. In conjunction with an action relating to a domestic violence or stalking PPO, however, a fee may not be collected for a motion to dismiss the petition, a motion to modify, rescind, or terminate a PPO, or a motion to show cause for a violation of a PPO. Under the bill, a fee also could not be collected for a motion to dismiss a proceeding to enforce an FPO or a motion to show cause for a violation of an FPO under House Bill 5275.

House Bill 5304 (S-1) would amend the Code of Criminal Procedure to provide that each police agency's written policies for police officers responding to domestic violence calls would have to include procedures for enforcing a valid FPO.

The bills would take effect on April 1, 2002, and are tie-barred to each other as well as to Senate Bills 729, 753, 754, 757, and 758 and House Bills 5275, 5299, and 5300.

MCL 600.2529 (H.B. 5303)
776.22 (H.B. 5304)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Courts. The State Court Administrative Office reports that 49,932 personal protection order cases were filed in 2000. Potential enforcement costs resulting from the bills are indeterminate, and would depend on the additional case filings to enforce foreign protection orders.

Jails. To the extent that they could increase the number of people held in local facilities for contempt of court for violating a PPO, the bills could have an increased fiscal impact on local units. The cost of incarceration in a local facility varies between \$27 and \$62 per day.

Family Independence Agency. It appears that the bills would have an indeterminate fiscal impact on the State and on local units of government. Expanding the types of applicable protection orders could increase the number of cases served by State-contracted or locally contracted detention service providers.

Date Completed: 12-11-01 Fiscal Analyst: B. Bowerman, B. Baker, B. Wicksall, C. Cole