

**SUBSTITUTE FOR
SENATE BILL NO. 1179**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 321 (MCL 600.321), as amended by 2011 PA 130.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321. (1) The following fees shall be paid to the clerk of
2 the court of appeals and may be taxed as costs if costs are allowed
3 by order of the court:

4 (a) For an appeal as of right, for an application for leave to
5 appeal, or for an original proceeding, \$375.00. This fee shall be
6 paid only once for appeals that are taken by multiple parties from
7 the same lower court order or judgment and can be consolidated.

8 (b) Upon the entry of any motion except a motion described in
9 subdivision (c) upon the motion docket, \$100.00.

10 (c) Upon the entry of a motion for immediate consideration or

1 a motion to expedite appeal upon the motion docket, \$200.00. This
2 fee shall be paid only once regardless of the number of lower court
3 files involved in the appeal. A prosecuting attorney is exempt from
4 paying a fee under this subdivision with regard to an appeal
5 arising out of a criminal proceeding.

6 (2) The clerk of the court of appeals shall charge 50 cents
7 per page for certified copies of entries or papers in any action or
8 proceedings when required for any other purpose than one connected
9 with the progress or disposition of the action or proceeding.

10 (3) The clerk shall charge 50 cents per page for all
11 uncertified copies of opinions, except those sent to 1 counsel
12 representing each party in the case, for which no charge shall be
13 made.

14 (4) If a person is unable to pay the fees required by this
15 section, the person, by motion, accompanied by the person's
16 affidavit stating facts showing that inability, may ask the court
17 to waive the fees and the court or a judge of the court may waive
18 payment of the fees.

19 (5) Each month the clerk of the court of appeals shall deposit
20 with the state treasurer all fees collected and obtain and file a
21 receipt for the fees deposited.

22 (6) Costs shall be awarded in the discretion of the court.

23 **(7) THE COURT SHALL USE FEES COLLECTED UNDER THIS SECTION TO**
24 **FUND A PROBATION SWIFT AND SURE SANCTIONS PROGRAM CREATED UNDER THE**
25 **PROBATION SWIFT AND SURE SANCTIONS ACT, CHAPTER XIA OF THE CODE OF**
26 **CRIMINAL PROCEDURE, 1927 PA 175, MCL 771A.1 TO 771A.8.**

27 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. 1141 of the 96th Legislature is enacted into
2 law.