

HOUSE BILL No. 4731

June 9, 2011, Introduced by Rep. Cotter and referred to the Committee on Appropriations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 321 (MCL 600.321), as amended by 2007 PA 64.

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. ~~Beginning October~~
10 ~~1, 2012, the fee required under this subdivision is \$75.00.~~

11 (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. ~~Beginning October 1, 2012,~~
6 ~~the fee required under this subdivision is \$150.00.~~

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

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

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

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

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