

# HOUSE BILL No. 5360

February 16, 2016, Introduced by Rep. Heise and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 2558 (MCL 600.2558), as amended by 2002 PA 429.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2558. (1) The sheriff is entitled to the fees provided in  
2 this section and section 2559.

3           (2) The following fees of the sheriff are allowed:

4           (a) For taking a bond if the sheriff is authorized to take the  
5 bond, ~~\$1.50;~~ **\$10.00;** for a certified copy of the bond, if  
6 requested, \$1.00.

7           (b) For every certificate on the sale of real estate, ~~\$1.50;~~  
8 **\$10.00;** and for each copy of the certificate, ~~\$1.50;~~ **\$5.00,** which,  
9 ~~together with the register's fee for filing the certificate, shall~~

1 **MUST** be collected as other fees on execution.

2 (c) For taking a bond for the liberties of the jail,  
3 ~~\$1.50.~~ **\$10.00.**

4 ~~— (d) For summoning a jury upon a writ of inquiry, attending the  
5 jury, and making and returning the inquisition, \$5.00.~~

6 ~~— (e) For summoning a jury pursuant to any precept or summons of  
7 any officer in any special proceeding, \$5.00, and for attending the  
8 jury when required, \$5.00.~~

9 (D) ~~(f)~~ For bringing up a prisoner ~~upon~~ **ON** habeas corpus,  
10 \$3.00, and for traveling each mile from the jail, 15 cents; for  
11 attending any court with ~~that~~ **THE** prisoner, \$5.00 per day, plus  
12 actual necessary expenses.

13 (E) ~~(g)~~ For attending before any officer with a prisoner for  
14 the purpose of having the prisoner surrendered in exoneration of  
15 his or her bail, or for attending to receive a prisoner so  
16 surrendered, who was not committed at the time, and receiving ~~that~~  
17 **THE** prisoner into the sheriff's custody, in either case, \$15.00.

18 (F) ~~(h)~~ For attending a view, when ordered by the court,  
19 \$15.00 per day, including the time occupied in going and returning.

20 (G) ~~(i)~~ For making and returning an inventory and appraisal to  
21 the appraisers, ~~\$10.00~~ **\$100.00** for each day actually employed, and  
22 ~~\$5.00~~ **\$50.00** for each half day. The court, by rule, may adjust a  
23 schedule fixing the amount of appraisal fees if the court considers  
24 the statutory fee to be inadequate.

25 (H) ~~(j)~~ For drafting an inventory, ~~\$1.25~~ **\$10.00** for each page  
26 and for copying the inventory, ~~10 cents~~ **\$1.00** for each page.

27 ~~— (k) For giving notice for general or special election to the~~

1 ~~inspectors of the different townships and wards of the county,~~  
2 ~~\$1.00 for each township or ward, and the expenses of publishing the~~  
3 ~~notices required by law, those fees and expenses to be paid by the~~  
4 ~~county, as other contingent expenses of the election.~~

5 ~~—— (l) For attending the supreme court by the order of the court,~~  
6 ~~\$10.00 for each day, to be allowed by the state treasurer on the~~  
7 ~~certificate of the clerk, and paid out of the state treasury, not~~  
8 ~~taxable as costs.~~

9 (I) ~~(m)~~ For attending the circuit court, by the order of the  
10 court, \$15.00 for each day, except in the county of Wayne; not  
11 taxable as costs. In the county of Wayne, ~~there shall be paid to~~  
12 the deputy sheriffs in actual attendance on the circuit court in  
13 the county ~~such~~ **MUST BE PAID** compensation as ~~shall be fixed by the~~  
14 board of commissioners in accordance with the county uniform salary  
15 plan to be allowed and paid as other contingent charges of the  
16 county are paid; the number of deputies ~~shall~~ **MUST** not exceed 2 for  
17 each judge of the third judicial circuit.

18 (J) ~~(n)~~ For summoning grand or petit jurors to attend the  
19 circuit court, \$2.00 for each juror summoned, not taxable as costs.

20 ~~—— (o) For keeping and providing for a debtor in jail where the~~  
21 ~~debtor is unable to support himself or herself, \$1.00 for each day~~  
22 ~~or such sum as shall be fixed by the board of commissioners, to be~~  
23 ~~paid by the creditor each week, in advance, and which sum the~~  
24 ~~creditor shall be entitled to recover from the debtor.~~

25 (K) ~~(p)~~ For posting notices on property for foreclosure sales,  
26 ~~\$16.00~~ **\$25.00** for each posting, plus mileage.

27 (L) ~~(q)~~ For selling lands on the foreclosure of a mortgage by

1 advertisement; and executing a deed to the purchaser and for all  
2 services required on that sale, ~~\$50.00-~~**\$75.00**.

3 (M) ~~(r)~~ For each adjournment of the sale of land on the  
4 foreclosure of a mortgage by advertisement, ~~\$8.00-~~**\$15.00**.

5 (N) ~~(s)~~ For serving notice of a person claiming title under a  
6 tax deed, in person and by mail, ~~\$16.00-~~**\$25.00** plus mileage

7 (3) Mileage allowed under subsection (2) ~~shall~~**MUST** be  
8 computed in the same manner as provided for **SERVICE OF** process  
9 ~~served out of the circuit court~~ under section ~~2559(3)-~~**2559(4)**.

10 (4) ~~Any~~**A** sheriff or other officer who demands or receives ~~any~~  
11 greater fees or compensation for performing any of the services  
12 mentioned in this section than ~~as~~**IS** allowed by this section ~~,~~  
13 ~~shall,~~**IS**, in addition to all other liabilities ~~now~~ provided by  
14 law, ~~be~~ liable to the party injured, for paying the illegal fees,  
15 in 3 times the amount ~~so~~ demanded, received, or paid, together with  
16 all costs of the action.

17 (5) ~~Any~~**A** sheriff or other officer who neglects or refuses any  
18 of the services required by law ~~,~~ after the fees specified have  
19 been tendered ~~,~~ ~~shall be~~**IS** liable to the party injured for all  
20 damages ~~which~~**THAT** the party sustains by reason of ~~that~~**THE** neglect  
21 or refusal.

22 Enacting section 1. This amendatory act takes effect 90 days  
23 after the date it is enacted into law.

24 Enacting section 2. This amendatory act does not take effect  
25 unless all of the following bills of the 98th Legislature are  
26 enacted into law:

27 (a) House Bill No. 4924.

1 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5359 (request no.  
2 05045'16).