

Legislative Analysis



ELECTRONIC ACCESS TO COURTS

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House Bill 4164 (H-1) as reported from committee

Sponsor: Rep. Ryan Berman

Committee: Oversight

Complete to 4-14-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4164 would amend Chapter 19A (Electronic Access to Courts) of the Revised Judicature Act to do all of the following:

- Require a court to allow the public to access, through a website, the register of documents and digital images of documents filed in that court.
- Require certain courts to accept documents filed by email.
- Revise some provisions to specifically include municipal courts.

Chapter 19A provides for the creation and maintenance of a statewide electronic filing system by which documents can be filed online in addition to or instead of being filed in person at a courthouse. State courts may apply to the Supreme Court for access to and use of the electronic filing system. If the Supreme Court accepts a court, the State Court Administrative Office (SCAO) is required to use money from the Judicial Electronic Filing Fund to pay the costs of technological improvements necessary for that court to operate electronic filing. (The Judicial Electronic Filing Fund receives an electronic filing system fee collected, in addition to the fee for filing the civil action, when a civil action is commenced.) Nothing in Chapter 19A may be construed to require a person to file a document electronically, and a court or court funding unit may not require or allow a person to file a document electronically except as directed by the Supreme Court.

Access to register of actions and document images

The bill would require, by January 1, 2023, and except as otherwise prohibited by law, a court to make available to the public, through a website, the register of actions and a digital image of all documents filed in any case in that court. The website, register, and digital images would have to be accessible without charge, without having to register or set up a user account or password, and without having to submit personal identifying information.

Nonauthorized courts

Under the act, a court may apply to the Supreme Court for access to and use of the electronic filing system. The bill would require a court that is not an authorized court to accept the filing of documents through email.

Municipal courts

Four cities in Michigan operate a municipal court, which has limited powers, instead of a district court. However, unlike the other courts of the state, municipal courts are not now referenced in Chapter 19A. The bill would revise the definitions of the following terms:

Clerk, to include a municipal court clerk.

Court funding unit, to include, for a municipal court, the city in which the municipal court is located.

Electronic filing system, to include a municipal court in the list of courts for which documents may be filed electronically through the system.

[Note: Among other things, section 1986 of the act specifies the amount a clerk may collect as an electronic filing system fee when a civil action is commenced. In its current form, the bill does not amend this section to provide a fee specific to municipal courts.]

MCL 600.1985 and 600.1991 and proposed MCL 600.1991a

FISCAL IMPACT:

House Bill 4164 would have an indeterminate fiscal impact on local units of government. According to SCAO, the costs associated with local trial courts providing online access to the register of actions and digital images of all documents filed in courts are not known at this time.

POSITIONS:

The following entities indicated opposition to the bill (3-11-21):

- State Court Administrative Office (SCAO)
- Michigan Municipal League
- Michigan Association of Counties
- Michigan Association of County Clerks

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