COLLECTION SERVICES TO COURTS

Act 316 of 1993

AN ACT to provide for the collection of certain past due monetary amounts owed to courts of this state; and to prescribe the powers and duties of certain state and local officers and agencies.

History: 1993, Act 316, Eff. Jan. 1, 1994

The People of the State of Michigan enact:

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12.131 Definitions.

Sec. 1.

As used in this act:

(a) "Department" means the department of treasury.

(b) "Funding unit" means 1 of the following, as applicable:

(i) For a circuit other than the third circuit of the circuit court, each county in the circuit.

(ii) For the third circuit of the circuit court and for the recorder's court, the state.

(iii) For a district other than the thirty-sixth district of the district court, the district control unit of the district, as defined in section 8104 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.8104 of the Michigan Compiled Laws.

(iv) For the thirty-sixth district of the district court, the state.

(v) For a municipal court, the political unit where the municipal court is located.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.132 Agreement.

Sec. 2.

The department, and a circuit, district, or municipal court, together with its funding unit if its funding unit is not the state, may enter into an agreement as provided in section 3.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.133 Agreement; provisions.

Sec. 3.

An agreement entered into under this act shall provide for at least all of the following:

(a) Assignment to the state for collection by the department of amounts that have been due and owing the court for not less than 180 days, including, but not limited to, any or all of the following:

(i) Fees, including reinstatement fees.

(ii) Fines.

(iii) Forfeitures.

(iv) Penalties and costs assessed for criminal offenses, including the costs of prosecution and providing court-ordered legal assistance to the defendant.

(v) Penalties and costs assessed for civil infractions, civil violations, and parking violations.

(vi) Penalties and costs assessed for ordinance violations.

(vii) Forfeited recognizances.

(viii) Late penalties assessed pursuant to section 4803 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.4803 of the Michigan Compiled Laws.

(b) Provision of the information necessary for the department to identify, locate, and collect delinquent accounts.

(c) Accounting for, settlement of, and transmission to the court of money collected pursuant to the agreement.

(d) Collection of a fee by the state treasurer to recoup costs associated with the collection services.

History: 1993, Act 316, Eff. Jan. 1, 1994

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12.134 Fees; calculation; collection.

Sec. 4.

A fee imposed by the department to recoup costs associated with the collection services provided under this act shall be calculated and collected on the same basis as fees charged by the department to other state agencies for the same collection services.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.135 Delinquent accounts as debts, unpaid accounts, or amounts due state.

Sec. 5.

For collection purposes only, a delinquent account assigned to the department for collection under this act shall be considered debts, unpaid accounts, or amounts due the state. In carrying out an agreement entered into under section 2, the department shall secure the collection and payment of amounts pursuant to Act No. 375 of the Public Acts of 1927, being sections 14.131 to 14.134 of the Michigan Compiled Laws, and section 25 of Act No. 122 of the Public Acts of 1941, being section 205.25 of the Michigan Compiled Laws.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.136 Offsetting tax refunds or other payments; order of priority.

Sec. 6.

The department, pursuant to its statutory and common law authority, may offset tax refunds or other payments due from the state to a person who owes a debt to a court that would be collectible under an agreement described in this act. The order of priority in offsetting tax refunds or other payments shall be the order of priority set forth in section 30a(2) of Act No. 122 of the Public Acts of 1941, being section 205.30a of the Michigan Compiled Laws.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.137 Distribution by court of money collected.

Sec. 7.

When the court receives money collected by the department under this act, the court shall, after deducting the amount of the fee paid to the department for the cost of collection, distribute the remaining amount as required by law.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.138 Effective date.

Sec. 8.

This act shall take effect January 1, 1994.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.139 Conditional effective date.

Sec. 9.

This act shall not take effect unless House Bill No. 4957 of the 87th Legislature is enacted into law.

History: 1993, Act 316, Eff. Jan. 1, 1994

12.140 Repealed. 1997, Act 192, Imd. Eff. Dec. 30, 1997.

Compiler's Notes: The repealed section pertained to repeal of act effective January 1, 1998.

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