



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner  
Director

### MEMORANDUM

DATE: November 6, 2014

TO: Circuit, Family Division, District, and Municipal Court Judges  
cc: Circuit, Family Division, District, and Municipal Court Administrators  
County Clerks  
Juvenile Registers

FROM: Elizabeth A. Barber  
Trial Court Collections Project Manager

RE: 2014 Public Act 352, Effective October 17, 2014  
Amendments to MCL 769.1k

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Effective October 17, 2014, Public Act 352 amends MCL 769.1k governing the imposition of criminal fines, costs, and assessments. This memorandum summarizes the substantive changes to the law, which include the authority for courts to assess costs; the requirement of courts to make information available to defendants regarding any fine, cost or assessment that is imposed; and required reporting to the State Court Administrative Office (SCAO).

#### **Authority to Impose Costs**

A court may impose any cost<sup>1</sup> reasonably related to the actual costs incurred by the court without separately calculating those costs involved in the particular case. Actual costs include, but are not limited to, the following:

- Salaries and benefits for relevant court personnel.
- Goods and services necessary for the operation of the court.
- Necessary expenses for the operation and maintenance of court buildings and facilities.

This amendatory act applies to all fines, costs, and assessments ordered or assessed under MCL 769.1k before June 18, 2014, and after October 17, 2014.

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<sup>1</sup> These costs are in addition to any fine or cost authorized by the statute for a violation of which the defendant entered a plea of guilty or nolo contendere or the court determined that the defendant was guilty.

SCAO has developed a tool to assist courts with determining the average cost of a criminal case for a particular court. This tool utilizes a court's average operating costs, percent of workload for criminal cases, and criminal cases disposed to calculate the average cost of a criminal case. All courts are encouraged to utilize this tool, as it will allow the court to make an informed decision regarding the average cost of a criminal case in their court. If you would like assistance with determining the cost of a criminal case in your court, please complete the attached and return it to me at [BarberB@courts.mi.gov](mailto:BarberB@courts.mi.gov).

### **Information About Any Fine, Cost, or Assessment Imposed**

Beginning January 1, 2015, the court must make available to a defendant information about any fine, cost, or assessment imposed under MCL 769.1k(1). However, the information is not required to include the calculation of the costs involved in a particular case. Attached is an example of information that could be provided to a defendant.

### **Reporting Requirements**

Beginning in 2016, courts are required to report to SCAO by March 31 of each year the following information for the previous calendar year:

- Total number of cases in which costs under MCL 769.1k(1)(b)(iii) were imposed.
- Total amount of costs imposed under MCL 769.1k(1)(b)(iii).
- Total amount of costs imposed under MCL 769.1k(1)(b)(iii) that were collected.

In order to report the amount of costs imposed and collected, all courts must immediately create a new cash code(s) for costs ordered pursuant to MCL 769.1k(1)(b)(iii). If you have questions about creating a new cash code(s), please contact your case management system provider. Judicial Information Systems (JIS) will be sending instructions to their users soon.

Additional information and details regarding annual reporting to SCAO, which begins in 2016 for calendar year 2015, will be provided by Laura Hutzler, Statistical Research Director, within the next six months.

If you have any questions, please contact me at [BarberB@courts.mi.gov](mailto:BarberB@courts.mi.gov) or 517-373-5895.

**Court:** \_\_\_\_\_

**Court's Operating Expenses**

Please provide the following for each of the last three years:

Actual expenditures from the court's operating budget.

_____ Attached	<b><u>OR</u></b>	<u>Year</u>	<u>Amount</u>
		_____	_____
		_____	_____
		_____	_____

Indirect costs from a cost allocation plan for central services expenses not directly charged to the court's operating budget (i.e., use charges for building, finance department, information services, HR, maintenance, etc.). This information can be obtained from the funding unit.

_____ None	_____ Attached	<b><u>OR</u></b>	<u>Year</u>	<u>Amount</u>
			_____	_____
			_____	_____
			_____	_____

Actual court-related costs incurred by the county clerk's office (circuit court only).

_____ None	_____ Attached	<b><u>OR</u></b>	<u>Year</u>	<u>Amount</u>
			_____	_____
			_____	_____
			_____	_____

Please review the actual expenditures and indirect costs provided and indicate below which divisions, proceedings, and/or cases are included:

- Circuit Criminal (case types FC, FH, FJ, AX) \_\_\_\_\_
- Circuit Appeals \_\_\_\_\_
- Circuit Civil \_\_\_\_\_
- Circuit Family (domestic relations, PPO, adoption, other family) \_\_\_\_\_
- Circuit Juv/Child (delinquency, abuse/neglect, juvenile traffic, designated) \_\_\_\_\_
- District Criminal (case types FY, FT, EX, OM, SM, OT, ST, OD, SD, FD) \_\_\_\_\_
- District Noncriminal (case types ON, SN, OI, SI, GC, GZ, SC, LT, SP) \_\_\_\_\_
- Probate \_\_\_\_\_

**Court-Appointed Counsel Expenses**

As a general practice, attorney fees are (please select one):

- Included in court costs. \_\_\_\_\_
- Ordered in addition to court costs. \_\_\_\_\_

If attorney fees are ordered in addition to court costs (e.g., an assessment for attorney fees and an assessment for court costs), please provide the actual expenditures for court-appointed counsel for each of the last three years (if not already provided).

_____ Attached	<b><u>OR</u></b>	<u>Year</u>	<u>Amount</u>
		_____	_____
		_____	_____
		_____	_____

**Information about any fine, cost, or assessment imposed under MCL 769.1k(1):**

If a defendant enters a plea of guilty or nolo contendere, or if the court determines after a hearing or trial that the defendant is guilty, the court may impose the following<sup>1</sup>:

- Minimum state cost pursuant to MCL 769.1j (assessed per count):
  - \$50 – misdemeanor
  - \$68 – felony
- Crime victim’s rights assessment pursuant to MCL 780.905 (assessed per case):
  - \$75 – misdemeanor
  - \$130 – felony
- Any fine or cost as reflected in the underlying statute of the offense.
- Expenses of providing legal assistance.
- Reimbursement pursuant to MCL 769.1f (e.g., to reimburse the state or a local unit of government for expenses incurred in relation to the crime, including but not limited to emergency response and costs of prosecution).
- *Select either Option A or Option B, which are based on the calculation performed by SCAO. Option A provides general information only, but does not include specific dollar amounts; Option B includes specific dollar amounts. If your court performs its own calculation, then provide the necessary information and specific dollar amounts for your cost calculation.*

**Option A:** Any cost reasonably related to the actual costs (i.e., salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, necessary expenses for the operation and maintenance of court buildings and facilities) incurred by the court. Costs were determined by taking the average actual costs times the percent of workload for criminal divided by the average number of criminal cases disposed.

**Option B:** Any cost reasonably related to the actual costs (i.e., salaries and benefits for relevant court personnel, goods and services necessary for the operation of the court, necessary expenses for the operation and maintenance of court buildings and facilities) incurred by the court. Costs were determined by taking the average actual costs times the percent of workload for criminal divided by the average number of criminal cases disposed.

Average Total Actual Costs	Percent of Workload for Criminal	Actual Costs for Criminal	Average Criminal Cases Disposed	Average Cost per Criminal Case
\$2,081,681.67	61.53%	\$1,280,858.73	2,519	\$508.48

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<sup>1</sup> The court must impose certain financial obligations, such as minimum state cost and crime victim’s rights assessment, as required by statute.