



# Michigan District Judges Association

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March 1, 2019

Ms. Anne Boomer  
925 W. Ottawa  
Lansing, MI 48915

Dear Ms. Boomer:

The Michigan District Judges Association has reviewed the proposed court rule amendments concerning restitution found at ADM file no. 2017-17. Our only concerns involve an issue of time. MCR 6.425 (E)(f) would require the court to order the dollar amount of restitution on the record at sentencing. MCR 6.427(11) would provide that the dollar amount of restitution that the defendant is ordered to pay be included in a written judgment of sentence with 7 days of sentencing. It is very common that the amount of restitution cannot be determined at the time of sentencing because the extent of damages or injuries is not available. Delay in the sentencing date to wait for the extent of damages to be discovered does not align with attempts by the court to resolve cases expeditiously.

We suggest that MCR 6.427(11) state instead, "the dollar amount of restitution that the defendant is ordered to pay, if known at time of sentencing. If unknown, a hearing to determine restitution shall be scheduled within 30 days of sentencing or such other time upon which the parties can agree." We would add at the end of MCR 6.425 (E)(f), "If the amount of restitution is unknown at time of



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sentencing, a hearing to determine restitution shall be scheduled within 30 days of sentencing or such other time upon which the parties can agree.”

We recognize that the issue is complicated by a statutory provision that restitution be determined at sentencing. However, until that can be changed to become more practical, we would not want to amend the court rules in a direction away from a functional, realistic deadline for determining restitution. Victims are not benefited by having restitution ordered by the court prior to all of the relevant information being available for an accurate decision.

Sincerely,

Hon. Julie Reincke  
MDJA Court Rules Committee