

Michigan Supreme Court
State Court Administrative Office
309 N. Washington Square, P. O. Box 30048
Lansing, Michigan 48909
(517) 373-4835
John D. Ferry, Jr., State Court Administrator

M E M O R A N D U M

DATE: September 18, 2002

TO: System Providers, District and Municipal Court Judges
cc: Court Administrators and District Court Magistrates

FROM: James L. Covault, Director
Trial Court Services

SUBJ: Caseload Reporting: Misdemeanor Reduced to Civil Infraction

On May 3, 2002, we sent a memo indicating, in part, the following clarification regarding caseload reporting:

Despite statutory language which states that a civil infraction is not a lesser included offense of a criminal offense in MCL 257.907, 600.8727 and 600.8827, prosecuting officials in some jurisdictions dismiss misdemeanors and initiate civil infraction violations as a part of plea bargaining. In these instances the court should report the misdemeanor case disposed under "Case Type Change," open a new civil infraction and dispose of the civil infraction using one of the disposition methods available for the particular civil infraction case type code. In most cases, this would be an "Admission of Responsibility."

After discussing this further with users, we are replacing that instruction with the following:

To accurately process and report the reduction of misdemeanors to civil infractions which is a practice of prosecuting officials as part of plea bargaining, the court should report the misdemeanor case disposed under "Dismissed by Party", open a new civil infraction and dispose of the civil infraction using one of the disposition methods available for the particular civil infraction case type code. In most cases, this would be an "Admission of Responsibility."

Further, since statutes specify that a civil infraction is not a lesser included offense of a criminal offense in MCL 257.907, 600.8727 and 600.8827, case management systems must be programmed in such a way that courts are prohibited from entering a civil infraction as a count in a misdemeanor case. A separate civil infraction case must be opened and counted as a new filing on the caseload report.

If you have any questions about this change, please contact Sandi Hartnell at (517) 373-7496.