

The Assessment, Collection, and Distribution of Money in the District Court

- A Financial Primer -



55th Judicial District Court

Mason, MI

July 25, 2018

Published by: Michael J. Dillon, Court Administrator

TABLE OF CONTENTS

| | |
|--|----|
| STATE REIMBURSEMENTS..... | 1 |
| FINES..... | 3 |
| COSTS | 4 |
| FEES & ASSESSMENTS | 6 |
| RESTITUTION | 9 |
| COLLECTION OF FINES AND COSTS..... | 10 |
| FINANCIAL ASSESSMENT & DISTRIBUTION – EXAMPLES | 12 |
| CIVIL FILING FEES | 14 |
| CIVIL MOTION FEES..... | 16 |
| MISCELLANEOUS FEES | 17 |

INTRODUCTION

District courts in the state of Michigan have jurisdiction over misdemeanor offenses, both criminal and traffic, and civil infraction actions. By statute, the district court is authorized to impose financial sanctions for a violation of the law. There are a number of statutes that govern the imposition of financial sanctions, as well as the distribution of monies collected from financial sanctions imposed by the court. Some statutes allow for judicial discretion, whereas others require that the court impose a financial sanction in an amount as set forth in the statute. In addition, there are statutes that allow for the waiver of financial assessments and some statutes that specifically prohibit any such waiver. In some cases, a judge might determine a defendant to be indigent, resulting in a waiver of a financial assessment.

The district court has jurisdiction over general civil cases up to \$25,000, summary proceeding cases, and small claims cases. By statute, a plaintiff is required to pay a filing fee for the initiation of a new suit, unless deemed indigent by the court. In addition, there are other fees, such as motions fees and fees for post-judgment collection actions. The distribution of these fees is governed by various statutes.

There are specific statutes that govern the assessment, collection, and distribution of monies received by the court; some are straightforward, whereas others have complex formulas. The number, variation, and manner in which the statutes are written can make it extremely difficult to comprehend how money is assessed, collected and distributed by the district court. This primer is designed to provide the reader with a basic understanding of the assessment, collection, and distribution of money in the district court.

- Michael J. Dillon
55th District Court Administrator

STATE REIMBURSEMENTS

State Judges Supplement

[MCL 600.8202](#)

The state is required to reimburse the district funding unit or units the amount that the unit or units have paid to the judge.

- \$45,744/judge in 2017.

Juror Compensation Reimbursement Fund

[MCL 600.151d](#)

Reimbursement for mileage and attendance rates paid to jurors.

- Funded from driver license clearance fees (\$45). [MCL 257.321a](#)
 - \$15 Secretary of State; \$15 Funding Unit; \$15 Juror Compensation Fund
- Funded from Jury Demand Fees (\$50). [MCL 600.8371](#)
 - \$40 funding unit; \$10 Juror Compensation Fund
- Funded by investment income credited to the fund by the state treasurer..

Drunk Driving Caseflow Assistance Fund

[MCL 257.625h](#)

Funded to promote the timely disposition of drunk driving cases.

- Funded from the collection of revenue from \$125 license reinstatement fees [MCL 257.320e\(1\)](#)
 - \$85 distributed to Department of State;
 - \$30 distributed to the Drunk Driving Assistance Fund;
 - \$10 distributed to the Drunk Driving Prevention Fund.
- Funded by investment income credited to the fund by the state treasurer.
- The state court administrator distributes monies from the funds annually to district and municipal courts.

Drug Case Info Management Fund

[MCL 257.323d](#)

Funded to promote the timely management and reporting of drug convictions to the Secretary of State.

- Funded from the collection of revenue from license reinstatement fees (\$125).
[MCL 257.320e\(3\)](#)
 - \$95 Department of State;
 - \$30 Drug Case Management Fund
- The state court administrator distributes monies from the funds annually to district and municipal courts.

FINES

Penal & Civil Fine (Statute)

A penal fine is imposed for the violation of a penal law of this state and a civil fine is imposed for a civil infraction violation of this state.

- 100% of the penal fine is distributed for the support of public libraries [Michigan Constitution of 1963, Article 8, Section 9](#); [MCL 397.36](#); [MCL 600.9379\(1\)\(a\)](#); [600.8831](#); [257.909\(1\)](#)
- Penal fine (misdemeanor) is discretionary, except for some offenses that have a statutory minimum.
- Traffic penal fine (misdemeanor) is discretionary with a \$100 maximum, unless set forth otherwise by law. [MCL 257.901\(2\)](#)
- Traffic civil fine (civil infractions) is discretionary with \$100 maximum, unless set forth otherwise by law. [MCL 257.907\(2\)](#) (see appendix H)
- Traffic civil fine is doubled for a traffic violation in a work zone, emergency scene, or school zone. [MCL 257.601b\(1\)](#)
- State civil infraction fines vary as set forth by statute. [MCL 600.8827\(2\)](#) (see appendix I)

Ordinance Fine:

An ordinance fine is imposed for a violation of a municipality's ordinance.

- 1/3 of an ordinance fine is distributed to the political subdivision whose ordinance was violated. Remaining 2/3 of the fine is retained by the court's funding unit. [MCL 117.31](#); [41.183\(6\)](#); [66.13](#) [90.13](#); [600.8379](#);
- All ordinance fines collected or received by a municipal court or the traffic and ordinance division of the recorder's court of the city of Detroit, for or on account of violations of the charter or ordinances of the city, shall be paid over to the city treasurer.
- Ordinance criminal fine (misdemeanor) is discretionary with a \$500 maximum, unless otherwise set forth by law. [MCL 41.183\(5\)](#); [46.10b\(5\)](#); [66.2\(50\)](#); [89.2\(5\)](#) [117.3\(k\)](#)
- Ordinance traffic fine (misdemeanor) is discretionary with \$100 maximum, unless otherwise set forth by law. [MCL 257.901\(2\)](#)
- Ordinance traffic civil fine (civil infractions) is discretionary with \$100 maximum, unless otherwise set forth by law. [MCL 257.907\(2\)](#)
- Ordinance traffic civil fine is doubled for traffic violations in a work zone, emergency scene, or school zone. [MCL 257.601b\(1\)](#)
- Ordinance civil infraction fines vary by local ordinance. [MCL 600.8827\(2\)](#)

COSTS

Costs (Court Costs)

[MCL 769.1K](#)

Costs may be assessed for 1) any cost authorized by statute; and 2) until October 17, 2020, costs may be assessed for any cost reasonably related to the actual costs incurred by the trial court without separately calculating those costs involved in the particular case. Costs include, but are not limited to, the following:

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

- All costs for statute violations are distributed to the court's funding unit.
[MCL 600.8379\(1\)\(b\)](#)
- 1/3 of the costs for an ordinance violation is distributed to the political subdivision whose ordinance was violated. The remaining 2/3 of the costs is retained by the court's funding unit. [MCL 600.8379 \(1\)\(c\)](#)
- Costs are discretionary, unless set forth otherwise by statute.
- Costs for traffic civil infractions are discretionary with a \$100 maximum, unless otherwise set forth by statute. [MCL 257.907\(4\)](#)
- Costs for state civil infractions are discretionary with a maximum of \$500.
[MCL 600.8827\(3\)](#)
- Costs for municipal civil infractions are discretionary with a maximum of \$500.
[MCL 600.8727\(3\)](#)

State Costs - Justice System Assessment (see Appendix A)

[MCL 769.1j\(1\)\(b\)](#); [769.1k\(1\)\(b\)](#)

State cost assessed for all misdemeanor convictions and all civil infraction judgments.

- Assessed on statute and ordinance violations.
- 100% distributed to the state of Michigan.
- \$40 - Traffic Civil Infraction. [MCL 257.907\(13\)](#); [MCL 600.8381\(5\)](#)
- \$10 - Nontraffic Civil Infraction. [MCL 600.8827\(4\)](#); [MCL 600.8727\(4\)](#)
- \$50 – Misdemeanor. [MCL 769.1j\(1\)\(b\)](#); [MCL 600.8381\(4\)](#)
- Monies distributed to Justice System Fund. [MCL 600.181](#) (see Appendix)

Recovery Costs

[MCL 769.1f](#); [MCL 769.1g](#)

Costs ordered for reimbursement to the state or a local unit of government for expenses incurred in relation to the incident that resulted in a conviction, including, but not limited to, expenses for an emergency response and expenses for prosecuting the person.

- Operating While Intoxicated (OWI). [MCL 257.625\(1\),\(3\),\(4\),\(5\),\(6\) & \(7\)](#)
- Operating a CMV with Presence of Alcohol. [MCL 257.625m](#)
- OWI – Snowmobile. [MCL 324.82127](#)
- OWI – ORV. [MCL 324.81134](#)
- OWI – Watercraft. [MCL 324.80176](#)
- Operating a Locomotive with Presence of Alcohol/Controlled Substance. [MCL 462.353](#)
- False Report of Crime/False Report of Medical or Emergency Situation. [MCL 750.411a](#)
- Rioting, Unlawful Assembly, or Civil Disorder on College Campus. [MCL 769.1\(1\)\(b\)](#)

FEES & ASSESSMENTS

A fee is a specific assessment authorized by statute for a specific purpose. Except for a few fees, which are discretionary with the court, the amount of a fee is set by statute.

Crime Victim Rights Fund

[MCL 780.905](#)

- \$75 Assessment on all misdemeanor convictions.
- One assessment per case, regardless of the number of counts.
- Disbursement
 - 90% - State of Michigan
 - 10% - local funding unit

Driver's License Clearance Fee

[MCL 257.321a](#)

- \$45 fee to clear a driver's license suspended by the court
- Disbursement
 - \$30 - State to the state
 - \$15 - Juror Compensation Fund
 - \$15 - Secretary of State
 - \$15 - local funding unit

Conservation Violation Fees:

[MCL 324.1609](#); [MCL 324.40119](#); [MCL 324.48740](#)

Fee assessed for the violation of conservation statutes or administrative orders

- \$10 - DNR Judgment Fee (all game and fish violations) [MCL 324.1609](#)
 - Distributed to the State of Michigan (Fish and Game Protection Fund) [MCL 324.43702](#)
- DNR Reimbursement Fee - Protected Animal/Fish (illegal possessing, selling, purchasing or killing of game, protected animals, or fish) [MCL 324.40119](#); [MCL 324.48740](#)
- Fee varies by animal/fish.
- Distributed to the State of Michigan Fish and Game Protection Account of the Michigan Conservation and Recreation Legacy Fund. [Michigan Constitution of 1963, Article 9, Section 40](#)

20% Late Fee
[MCL 600.4803](#)

Fee assessed for delinquent accounts.

- 20% fee imposed on the balance of any misdemeanor or civil infraction case which has aged 56 days.
- 100% retained by the local funding unit.

Cost to Compel Appearance Fee
[MCL 769.1k\(2\)](#); [MCL 257.729](#); [MCL 600.9735](#); [MCL 600.8835](#)

Cost to compel appearance fee is assessed to offset the costs of commanding the appearance of a defendant in court.

- Fee is determined by judicial discretion or court policy
- 100% retained by the court's funding unit
- Includes civil infraction default fee, show cause fee and bench warrant fee.

Court Appointed Counsel Fee
[MCL 769.1k\(1\)\(iv\)](#); [MCR 6.005\(C\)](#)

If a defendant is able to pay part of the cost of a lawyer, the court may require contribution to the cost of providing a lawyer and may establish a plan for collecting the contribution.

- Fee is discretionary.
- Distributed to local funding unit.

Drug Court Participation Fee
[MCL 600.1070\(4\)](#)

Fee assessed for participation in a drug court program.

- Fee must be reasonably related to cost of program.
- Distributed to local funding unit.

FORENSIC LAB/DNA ASSESSMENT FEE

[MCL 28.176\(5\)](#)

Fee assessed for the collection of a DNA sample and testing.

- \$60 fee.
- Specific misdemeanors only.
- Distributed to:
 - 65% to State of Michigan - Justice System Fund
 - 25% to the law enforcement agency that collected the sample
 - 10% to local funding unit

No Proof of Insurance Fee MCL

[257.328\(3\)\(c\)](#)

Fee assessed if a defendant submits proof to the court that the motor vehicle had insurance at the time the violation occurred.

- \$25 fee.
- No other fines and costs may be assessed.
- Distributed to local funding unit.

Probation Fees

[MCL 771.3](#)

- Oversight Fee - \$35/month supervision and monitoring fee assessed to defendants on probation.
 - Fee is discretionary; set by the court.
 - Distributed to the local funding unit.
- Screening & Assessment Fee - \$75 fee assessed for a substance abuse assessment conducted by the probation department
 - Discretionary; set by the court.
 - Distributed to the local funding unit.
- Presentence Investigation Fee - \$100 fee assessed for the completion of a presentence report.
 - Discretionary; set by the court.
 - Distributed to the local funding unit.

RESTITUTION

[MCL 769.1a\(2\)](#); [MCL 769.3](#); [MCL 771.3\(1\)\(e\)](#) [MCL 780.826\(2\)](#)

Restitution: Restitution is ordered to be paid to any person or entity that suffers direct physical or financial harm as a result of a misdemeanor violation.

- 50% of any payment made is be applied to restitution, until such time restitution is paid in full and/or all financial sanctions have been satisfied. [MCL 775.22\(2\)](#)
- An order to pay restitution remains in effect for lifetime or until paid in full. An order of restitution may be enforced by the prosecuting attorney, a victim, a victim's estate, or any other person or entity named in the order to receive the restitution in the same manner as a judgment in a civil action or a lien. [MCL 769.1a\(13\)](#)
- Money is held in escrow by the court.
- Payable to:
 - Victim;
 - Victim's estate; or
 - Crime Victim Rights Fund if victim cannot be located or refuses to claim restitution

COLLECTION OF FINES AND COSTS

Payment Due at Assessment

[MCR 1.110](#)

Fines, costs, and other financial sanctions imposed by the court to be paid at the time of the assessment, except when the court allows otherwise for good cause shown. When good cause is shown a payment due date is set by the court.

WAIVER OF FINANCIAL ASSESSMENTS

Traffic Citations

[MCL 257.907](#); [MCL 901a](#)

Some statutes allow for the waiver of the financial assessment if a traffic citation has been issued, and the violation for which the citation was issued has been corrected and evidence shown to the court.

- MCL 257.223 Failure to show proof of a valid registration. [MCL 257.907\(15\)](#)
- MCL 257.683 Equipment violation. [MCL 257.907\(9\)](#)
- 257.710d Child restraint violation. [MCL 257.907\(12\)](#)
- 257.311 Fail to display valid license. [MCL 257.901a](#)
- 257.328 No proof of insurance. [MCL 257.907\(16\)](#) Upon proof being shown that the vehicle was insured at the time of the offense, the court may assess a \$25.00 fee which is to be retained by the court's funding unit.

Defendant as Indigent – Prior to the Imposition of Sentence

If a court, prior to sentencing a defendant, determines that the defendant is indigent, the court shall not impose a financial sanction except for the following conditions:

- Crime Victim Rights Assessment (CVRA), if applicable. [MCL 780.905](#)
- State Costs – Minimum State Costs & Justice System Assessment must be assessed if the court imposes on the CVRA and an order of restitution. [MCL 769.1j](#) requires a court to assess the mandatory state costs when a person convicted of an offense is ordered to pay any combination of a fine, costs, or applicable assessments. The imposition of the CVRA and restitution constitutes a combination of assessments.

Defendant as Indigent – After the Imposition of Sentence

If a defendant has been sentenced and financial sanctions have been imposed, the court upon finding the defendant indigent, may waive any financial assessment, except for the assessments listed below. The court is not granted the authority to waive the assessments once imposed.

- Crime Victim Rights Assessment [MCL 780.905](#)
- State Costs - Minimum State Costs [MCL 769.1j](#) (*see note below*)
- State Costs - Justice System Assessment [MCL 769.1j](#) (*see note below*)
- Restitution
- Driver's License Clearance Fee

NOTE: Under MCL 771.3(6)(b), State Costs can be waived if a defendant was sentenced to probation and financial sanctions imposed.

FINANCIAL ASSESSMENT & DISTRIBUTION – EXAMPLES

1. Defendant admits responsibility to citation issued by the Michigan State Police for Speeding 5 MPH Over - Total Financial Sanction = \$120 (*statute violation*)

| <u>Sanction</u> | <u>Amount</u> | <u>Distributed</u> |
|----------------------------------|---------------|--------------------|
| Fee - Judicial System Assessment | \$40 | State of Michigan |
| Penal Fine | \$15 | Library |
| Costs | \$65 | Ingham County |

2. Defendant admits responsibility to citation issued by Mason City Police Department for Speeding 5 MPH Over - Total Financial Sanction = \$120 (*ordinance violation*)

| <u>Sanction</u> | <u>Amount</u> | <u>Distributed</u> |
|----------------------------------|---------------|-----------------------------|
| Fee - Judicial System Assessment | \$40 | State of Michigan |
| Costs | \$80 | Ingham County/City of Mason |

Cost split between Ingham County \$53.60 (2/3) and City of Mason \$26.40 (1/3)

3. Defendant pleads guilty to assault & battery domestic. Total Assessment = \$580

| <u>Sanction</u> | <u>Amount</u> | <u>Distributed</u> |
|--------------------------------|---------------|--------------------|
| Fee – Minimum State Costs | \$50 | State of Michigan |
| Penal Fine | \$80 | Library |
| Costs | \$375 | Ingham County |
| Crime Victim Rights Assessment | \$75 | State of Michigan |

4. Defendant pleads guilty to Domestic Violence and sentenced to probation for a period of 12 months – Total Financial Sanction - \$1,000 (*statute violation*)

| <u>Sanction</u> | <u>Amount</u> | <u>Distributed</u> |
|-----------------------------------|---------------|--------------------|
| Fee – Minimum State Costs | \$50 | State of Michigan |
| Penal Fine | \$80 | Library |
| Costs | \$375 | Ingham County |
| Crime Victim Rights Assessment | \$75 | State of Michigan |
| Probation Oversight Fee (\$35/mo) | \$420 | Ingham County |

5. Defendant admits responsibility to operating a personal watercraft (PWC) without a personal flotation device (PFD) (state civil infraction). Total Financial Sanction - \$90

| <u>Sanction</u> | <u>Amount</u> | <u>Distributed</u> |
|---------------------------------|----------------------|---------------------------|
| Fee – Justice System Assessment | \$10 | State of Michigan |
| Penal Fine | \$20 | Library |
| Costs | \$60 | Ingham County |

CIVIL FILING FEES

General Civil Filing Fee

[MCL 600.8371](#)

Fee assessed for the commencement of a general civil suit. Money transmitted to the state is deposited in the Civil Filing Fee Fund. [MCL 600.171](#) (see Appendix B)

| Claim | Fee | Distributed to: |
|------------------------------|-------|---|
| Up to \$600 | \$25 | \$11 – Funding Unit \$14 – State of Michigan |
| Over \$600 up to \$1,750 | \$45 | \$17 – Funding Unit \$28 – State of Michigan |
| Over \$1,750 up to \$10,000 | \$65 | \$23 – Funding Unit \$42 – State of Michigan |
| Over \$10,000 | \$150 | \$31 – Funding Unit \$119 – State of Michigan |
| Claim of than money judgment | \$65 | \$23 – Funding Unit \$42 – Civil Filing Fee Fund |

Small Claims Filing Fee

[MCL 600.8420](#)

Fee assessed for the commencement of a small claims suit. Money transmitted to the state is deposited in the Civil Filing Fee Fund. [MCL 600.171](#) (see Appendix B)

| Claim | Fee | Distributed to: |
|--------------------------|------|---|
| Up to \$600 | \$25 | \$11 – Funding Unit \$14 – Civil Filing Fee Fund |
| Over \$600 up to \$1,750 | \$45 | \$17 – Funding Unit \$28 – Civil Filing Fee Fund |
| Over \$1,750 * | \$65 | \$23 – Funding Unit \$42 – Civil Filing Fee Fund |

Summary Proceeding Filing Fee
[MCL 600.5756](#); [MCL 600.8371](#)

Fee assessed for the commencement of a summary proceedings suit. Money transmitted to the state is deposited in the Civil Filing Fee Fund. [MCL 600.171](#) (see Appendix B)

| Claim | Fee | Distributed to: |
|--|-------|--|
| Claim for possession of premises | \$45 | \$17 – Funding Unit \$28 – Civil Filing Fee Fund |
| Supplemental Filing fee for Money Judgment | | |
| Up to \$600 | \$25 | \$11 – Funding Unit \$14 – Civil Filing Fee Fund |
| Over \$600 up to \$1,750 | \$45 | \$17 – Funding Unit \$28 – Civil Filing Fee Fund |
| Over \$1,750 up to \$10,000 | \$65 | \$23 – Funding Unit \$42 – Civil Filing Fee Fund |
| Over \$10,000 | \$150 | \$31 – Funding Unit \$119 – Civil Filing Fee Fund |

Electronic Filing System Fee
[MCL 600.1986](#)

Funds deposited into the Judicial Electronic Filing Fund to establish a statewide electronic filing system and supporting technology. Begin March 1, 2016 – End 2/28/2021. [MCL 600.1993](#)

| Claim | Fee | Distributed to: |
|---|------|--|
| Small Claims Actions | \$5 | State of Michigan (Judicial Electronic Filing Fund) |
| All Civil Actions*, including actions for summary proceeding | \$10 | State of Michigan (Judicial Electronic Filing Fund) |
| \$20.00 for civil actions if a claim for money damages is joined with a claim for relief other than money damages | \$20 | State of Michigan (Judicial Electronic Filing Fund) |

CIVIL MOTION FEES

[MCL 600.8371\(10\)](#)

Fee assessed for filing a [motion](#) in a civil case.

- Any application by any name (e.g., motion, petition, application, request, etc.) that is made to the court or judge for the purpose of obtaining a ruling, order, or act to be directed in favor of the applicant. [MCR 2.119\(G\)\(1\)](#)
- \$20 fee.
- Distributed to:
 - \$10 State Court Fund. (see Appendix C)
 - \$10 local funding unit.

Jury Demand Fee

[MCL 600.8371\(9\)](#)

If a trial by jury is demanded, the party making the demand pays the fee.

- \$50 fee.
- Distributed to:
 - \$40 Funding Unit.
 - \$10 Juror Compensation Fund. [MCL 600.151d](#)

Post-Judgment Collection Fees

[MCL 600.8371\(10\)](#)

Fee assessed for post-judgment collection actions.

- \$15 Fee
 - Writ of Garnishment.
 - Writ of Attachment.
 - Writ of Execution.
 - Judgment Debtor Discovery Subpoena.
- Distributed to local funding unit.

MISCELLANEOUS FEES

Appeal Fee

[MCL 600.6536](#)

In every criminal or civil appeal from district court the appellant must pay an appeal fee.

- \$25 fee.
- Distributed to local funding unit.

Marriage Fee

[MCL 600.8316\(1\)](#)

Fee assessed for wedding ceremonies performed by district judge/magistrate.

- \$10 fee.
- Distributed to local funding unit.

NSF Check Costs

[MCR 8.106\(E\)](#)

A court may assess costs for reasonable expenses incurred for checks returned to the court due to insufficient funds.

- Distributed to local funding unit.

Interpreter Fees

[MCR 1.111\(F\)\(5\)](#)

If a party is financially able to pay for interpretation costs, the court may order the party to reimburse the court for all or a portion of interpretation costs.

- Distributed to local funding unit.

APPENDIX

APPENDIX

Table of Contents

| | |
|---|------|
| JUSTICE SYSTEM FUND | A-1 |
| CIVIL FILING FUND | A-4 |
| STATE COURT FUND | A-5 |
| COURT FEE FUND..... | A-6 |
| COURT EQUITY FUND | A-7 |
| JUSTICE SYSTEM FUND to COURT EQUITY FUND | A-8 |
| CIVIL FILING FEE FUND to COURT EQUITY FUND..... | A-8 |
| CIVIL FINES AS SET FORTH BY STATUTE | A-10 |
| STATE CIVIL INFRACTION – CIVIL FINES | A-11 |

APPENDIX A

JUSTICE SYSTEM FUND

MCL 600.181

Funded by the collection of revenue from court assessments and costs designated by law for deposit in the fund and by investment income credited to the fund by the state treasurer.

ANNUAL DISBURSEMENTS TO:

- Michigan State Police (\$10/Traffic CI + 40.85% balance of fund)
 - Secondary Road Patrol and Training Fund (\$10/traffic civil infraction) [MCL 257.629e](#)
 - Highway Safety Fund (23.66% balance of fund) [MCL 257.629e](#)
 - Michigan Justice Training Fund (11.84 % balance of fund) [MCL 18.422](#)
 - State Forensic Lab/DNA (5.35% balance of fund) [MCL 12.203](#)
- Human Services (4.5% balance of fund)
 - Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund (2.65% of balance of fund) [MCL 400.1533](#)
 - Children's advocacy Fund (1.85% balance of the fund) [MCL 722.1043](#)
- Corrections (11.84% balance of Fund)
 - Jail Reimbursement Fund [MCL 257.629e](#)
- Judiciary (40.73% balance of Fund)
 - Drug Treatment Courts (2.73% balance of fund) [MCL 600.185](#)
 - State Court Fund (12.69% balance of fund) [MCL 600.151a](#)
 - Court Equity Fund (24.33% balance of fund) [MCL 600.151b](#)
 - State Court Administrative Office (0.98 balance of fund) [MCL 600.181\(3\)\(x\)](#)
- Legislative Retirement Fund (1.10 % balance of fund) [MCL 38.1001](#)
- Treasury (0.98% balance of fund) [MCL 600.181\(3\)\(ix\)](#)

Justice System Fund
Civil Infraction - \$40

| | <u>Amount</u> | <u>Total</u> | <u>%</u> | <u>% Total</u> |
|---|---------------|----------------------|----------|---------------------|
| <u>MICHIGAN STATE POLICE</u> | | | | |
| Secondary Road Patrol | \$10.00 | | | |
| Highway Safety Fund | \$7.10 | | 23.66% | |
| Justice Training Fund | \$3.55 | | 11.84% | |
| State Forensic Lab/DNA | \$1.61 | \$22.26 | 5.35% | 40.85% |
| <u>HUMAN SERVICES</u> | | | | |
| Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund | \$0.80 | | 2.65% | |
| Child Advocacy Fund | \$0.56 | \$1.35 | 1.85% | 4.50% |
| <u>CORRECTIONS</u> | | | | |
| Jail Reimbursement Program Fund | \$3.55 | \$3.55 | 11.84% | 11.84% |
| <u>JUDICIARY</u> | | | | |
| Drug Court Treatment | \$0.82 | | 2.73% | |
| State Court Fund | \$3.81 | | 12.69% | |
| Court Equity Fund | \$7.30 | | 24.33% | |
| State Court Administrative Office | \$0.29 | \$12.22 | 0.98% | 40.73% |
| Legislative Retirement Fund | \$0.33 | \$0.33 | 1.10% | 1.10% |
| State Treasury (for monitoring) | \$0.29 | <u>\$0.29</u> | 0.98% | <u>0.98%</u> |
| TOTAL | | \$40.00 | | 100.00% |

Justice System Fund
Misdemeanor - \$50

| | <u>Amount</u> | <u>Total</u> | <u>%</u> | <u>% Total</u> |
|---|---------------|----------------------|----------|---------------------|
| <u>MICHIGAN STATE POLICE</u> | | | | |
| Secondary Road Patrol | \$0.00 | | | |
| Highway Safety Fund | \$11.83 | | 23.66% | |
| Justice Training Fund | \$5.92 | | 11.84% | |
| State Forensic Lab/DNA | \$2.68 | \$20.43 | 5.35% | 40.85% |
| <u>HUMAN SERVICES</u> | | | | |
| Sexual Assault Victims' Medical Forensic Intervention and Treatment Fund | \$1.33 | | 2.65% | |
| Child Advocacy Fund | \$0.93 | \$2.25 | 1.85% | 4.50% |
| <u>CORRECTIONS</u> | | | | |
| Jail Reimbursement Program Fund | \$5.92 | \$5.92 | 11.84% | 11.84% |
| <u>JUDICIARY</u> | | | | |
| Drug Court Treatment | \$1.37 | | 2.73% | |
| State Court Fund | \$6.35 | | 12.69% | |
| Court Equity Fund | \$12.17 | | 24.33% | |
| State Court Administrative Office | \$0.49 | \$20.37 | 0.98% | 40.73% |
| Legislative Retirement Fund | \$0.55 | \$0.55 | 1.10% | 1.10% |
| State Treasury (for monitoring) | \$0.29 | <u>\$0.49</u> | 0.98% | <u>0.98%</u> |
| TOTAL | | \$50.00 | | 100.00% |

APPENDIX B

CIVIL FILING FUND

MCL 600.171

Funded by the collection of revenue from court filing fees (civil cases) designated by law for deposit in the fund and by investment income credited to the fund by the state treasurer.

ANNUAL DISBURSEMENTS TO:

- Judiciary (73% of fund)
 - State Court Fund (48.5% of fund) [MCL 600.151a](#)
 - Court Equity Fund (8.2% of fund) [MCL 600.151b](#)
 - Judicial Technology Improvement Fund (11.1% of fund) [MCL 600.175](#)
 - Community Dispute Resolution Fund (5.2% of fund) [MCL 691.1554](#)
- Judges Retirement System (24% of fund) [Judge Retirement Act of 1992](#)
- Legislative Retirement Fund (1.5% of fund) [Legislative Retirement System Act](#)
- State General Fund (1.5% of fund)

APPENDIX C

STATE COURT FUND

[MCL 600.151a](#)

RECEIVED FROM:

- Justice System Fund [MCL 600.181](#)
 - Justice System Assessment (\$40 civil infraction & \$10 state civil infraction)
 - Minimum State Costs (\$50 misdemeanor & \$68 felony)
- Civil Filing Fee Fund (civil filing fees - varies) [MCL 600.171](#)
- Probate Court Fees [MCL 600.880b](#)
- Service Fee on FOC Payments [MCL 600.2538](#)

DISTRIBUTED TO JUDICIARY:

- Court Equity Fund (First 1.6 million + 76% of balance of fund) [MCL 600.151b](#)
- Indigent civil legal assistance (23% of balance of fund) [MCL 600.1485](#)
- State Court Administrative Office (1% of balance of fund)

APPENDIX D

COURT FEE FUND

[MCL 38.2217](#)

RECEIVED FROM:

- Judge Retirement System [Judge Retirement Act of 1992](#)
 - Amount less than amount needed for actuary.

DISTRIBUTED TO JUDICIARY

- Court Equity Fund (not to exceed 2.2 million) [MCL 38.2217\(1\)](#)
- Operational Expenses [MCL 38.2217\(1\)](#)
 - Salaries of trial court judges other than judges of the district court.

APPENDIX E

COURT EQUITY FUND

[MCL 600.151b](#)

RECEIVED FROM:

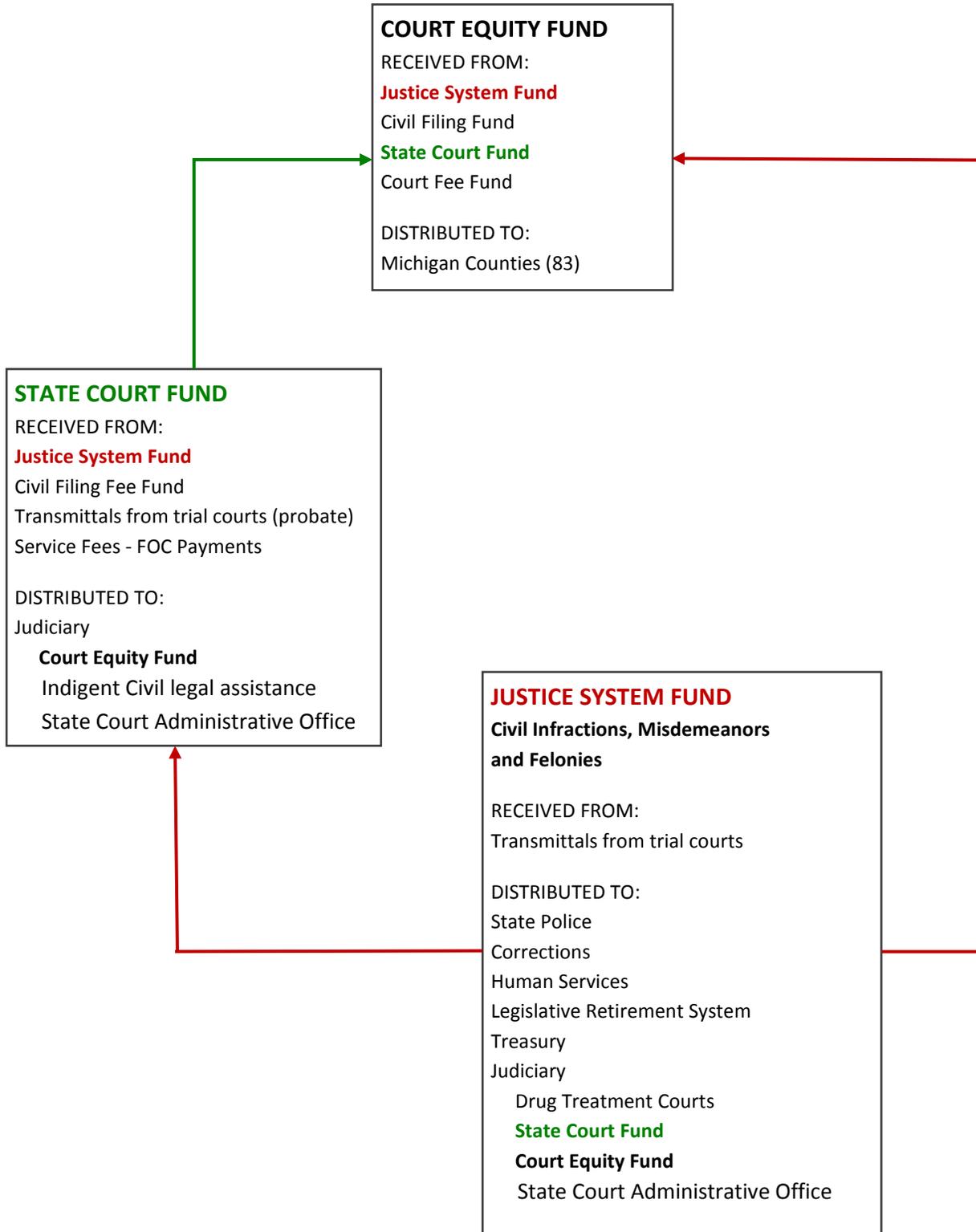
- Justice System Fund [MCL 600.181](#)
 - Justice System Assessment (\$40 civil Infraction & \$10 state civil infraction)
 - Minimum State Costs (\$50 misdemeanor & \$68 felony)
- State Court Fund [MCL 600.151a](#)
- Court Fee Fund [MCL 38.2217](#)
- Civil Filing Fee Fund (civil filing fees - varies) [MCL 600.171](#)
- State General Fund

DISTRIBUTED TO:

- 83 Michigan Counties

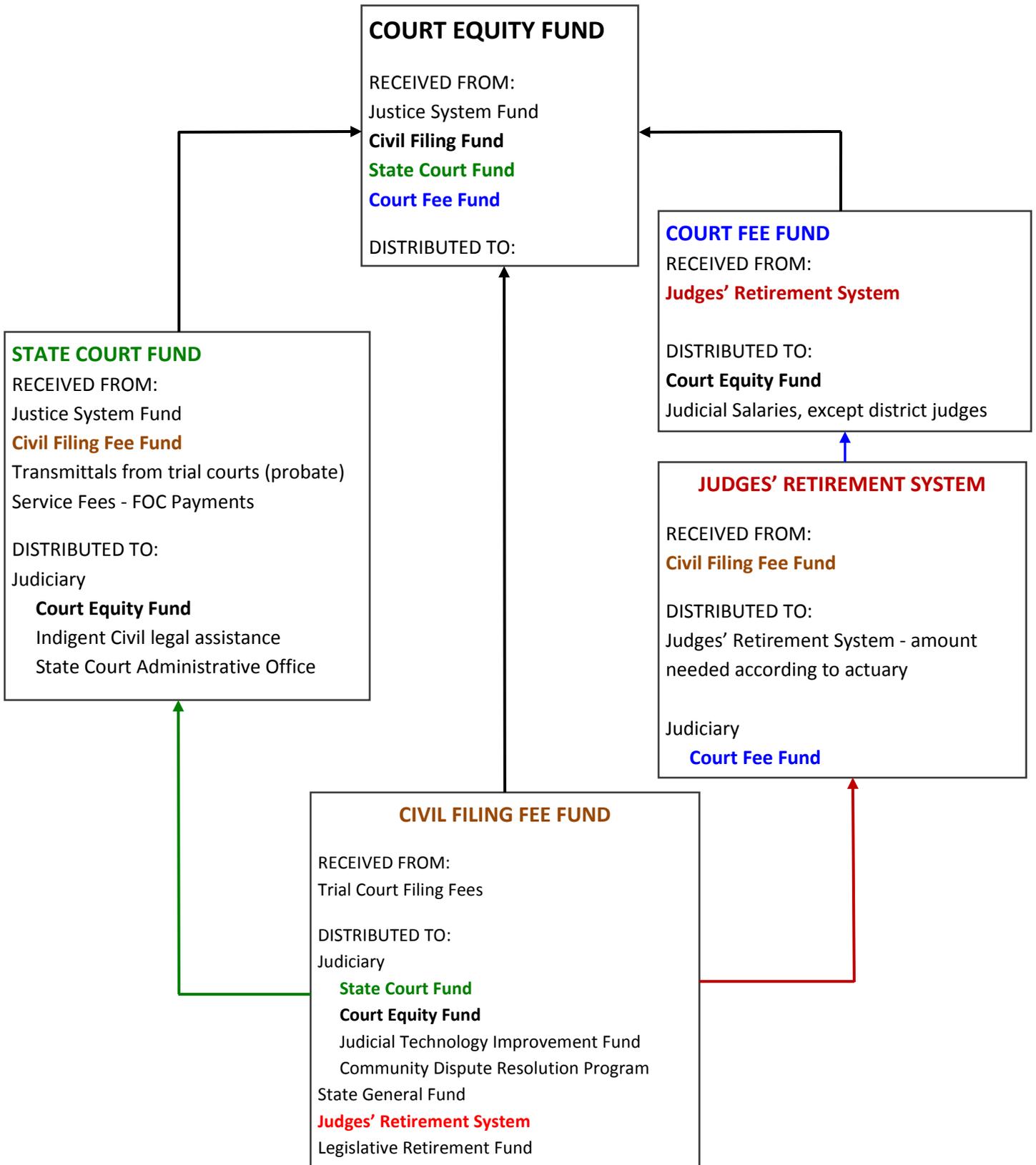
APPENDIX F

JUSTICE SYSTEM FUND to COURT EQUITY FUND



APPENDIX G

CIVIL FILING FEE FUND to COURT EQUITY FUND



APPENDIX H

CIVIL FINES SET FORTH BY STATUTE

| <u>OFFENSE</u> | <u>FINE</u> | | <u>AUTHORITY (MCL)</u> | |
|---|-----------------------|---------------|--------------------------------|-----------------------------|
| Motor Vehicle Code violations - standard civil fine | \$100 max | Discretionary | 257.907(2) | |
| CMV violations - standard civil fine | \$250 max | Discretionary | 257.907(3) | |
| Transfer of Title Violation | \$15 | Mandatory | 257.240 | |
| No Proof of Insurance | \$50 max | Discretionary | 257.328 | |
| Failing to Stop for School Bus | \$100 - \$500 | Mandatory | 257.682 | |
| Abandoned Vehicle | \$50 | Mandatory | 257.252a(1) | |
| CMV - Out-of-Service Violation - 1st Offense | \$2,500 - \$2,750 | Mandatory | 257.319f | |
| CMV - Out-of-Service Violation - 2nd Offense | \$5,000 - \$5,500 | Mandatory | 257.319f | |
| CMV - Allow Unauthorized Operation | \$10,000 max | Discretionary | 257.319g(1)(a) | |
| CMV - Allow Oper w/ Out-of-Service Order | \$2,750 - \$25,000 | Mandatory | 257.319g(1)(g) | |
| Work, School, Bus, Emergency Zone - Violation | Fine - Doubled | Mandatory | 257.601b(1) | |
| Texting and Driving - 1st Offense | \$100 | Mandatory | 257.602b | |
| Texting and Driving - 2nd Offense | \$200 | Mandatory | 257.602b | |
| <i>Limited Access Speeding</i> | | | | |
| | 1-5 mph over | \$10 - \$100 | Mandatory | 257.629c(1) |
| | 6-10 mph over | \$20 - \$100 | Mandatory | 257.629c(1) |
| | 11-15 mph over | \$30 - \$100 | Mandatory | 257.629c(1) |
| | 16-25 mph over | \$40 - \$100 | Mandatory | 257.629c(1) |
| | 26+ mph over | \$50 - \$100 | Mandatory | 257.629c(1) |
| Handicapped Parking Violation | \$100 - \$250 | Mandatory | 257.674(1)(s) | |
| Display/Sale of Goods w/in Right of Way | \$10 max | Discretionary | 257.676a(3) | |
| Soliciting Business at Accident/Disabled Veh | \$1,000 | Mandatory | 257.676c | |
| Child Restraint | \$10 max | Discretionary | 257.710(d) | |
| Seat Belt Violation | \$25 Fines/Costs max | Mandatory | 257.710(e) | |
| Unregistered Wrecker/Tow Service | \$250 - \$500 | Mandatory | 257.716(4)(d) | |
| At-fault Accident | add \$25 w/ \$100 max | Mandatory | 257.904(2) | |

APPENDIX I

STATE CIVIL INFRACTIONS – CIVIL FINES

| <u>OFFENSE</u> | <u>FINE</u> | | <u>AUTHORITY (MCL)</u> |
|--|---------------------------|----------------------|-------------------------------|
| Firearms Records Violation | \$500 max | Discretionary | 28.421b |
| Pistol Sales Record violation | \$250 max | Discretionary | 28.422 |
| Pistol Sales Record violation | \$250 max | Discretionary | 28.422a(2) |
| Concealed Pistol License - Failure to Carry License | \$100 | Mandatory | 28.425f(1) |
| Concealed Pistol - Failure to Display License | \$100 | Mandatory | 28.435f(2) |
| Concealed Pistol - Failure to Disclose - 1st Offense | \$500 | Mandatory | 28.425f(3) |
| Concealed Pistol - Failure to Disclose - 2nd Offense | \$1,000 | Mandatory | 28.425f(3) |
| Concealed Pistol - BAC .02 -.08 | \$100 | Mandatory | 28.425k(2)(c) |
| Concealed Pistol - Fail to Submit to Chemical Test | \$100 | Mandatory | 28.425k(7) |
| Concealed Pistol - Prohibited Place -1st Offense | \$500 max | Discretionary | 28.425o(6) |
| Fireworks - Using without Permission - 1st Offense | \$500 max | Discretionary | 28.462(1) |
| Fireworks - Using without Permission - 2nd Offense | \$1,000 max | Discretionary | 28.462(1) |
| Concealed Weapon - BAC .02-.08 | \$100 max | Discretionary | 28.519 |
| Hazardous Waste - Transporting w/o Permit | \$2,500 max | Discretionary | 29.477 |
| Veteran's License Requirement violation | \$1000 max | Discretionary | 35.422 |
| Veteran's Flags/holders violations | \$500 max | Discretionary | 35.831 |
| Veteran's Flags/holders violations | \$500 max | Discretionary | 35.831a |
| Community Convention or Tourism Marketing Act | \$10,000 max | Discretionary | 141.876 |
| Regional Convention and Tourism Promotion Act | \$10,00 max | Discretionary | 141.1436 |
| Tobacco Products Tax Act | \$100 max | Discretionary | 205.428 |
| Pupil Transportation Act | \$500 max | Discretionary | 257.1873 |
| Aeronautics Code - Hunting While on Aircraft | | | 259.179 |
| <i>Penalty Citation</i> | \$500 max | <i>Discretionary</i> | 259.176 |
| Aeronautics Code - Allowing Animals on Airport | | | 259.182 |
| <i>Penalty Citation</i> | \$500 max | <i>Discretionary</i> | 259.176 |
| Insect Pest & Plant Disease Act - Permit violation | | | 286.218(b) |
| <i>Penalty citation</i> | \$1,000 - \$10,000 | Mandatory | 286.228 |
| Insect Pest & Plant Disease Act - Fail to Eradicate | | | 286.220 |
| <i>Penalty citation</i> | \$1000 max | <i>Discretionary</i> | 286.228 |
| Insect Pest & Plant Disease Act - Quarantine | | | 286.223 |
| <i>Penalty citation</i> | \$1,000 - \$10,000 | Mandatory | 286.228 |
| Insect Pest & Plant Disease Act - Plant Destruction | \$1000 max | Discretionary | 286.260(1) |

| | | | |
|--|---------------------------|----------------------|--------------------------------------|
| Insect Pest & Plant Disease Act - Quarantine Order | \$1,000 - \$10,000 | Mandatory | 286.260(2) |
| DNR - Violate Rule/Order for Protection of Land | \$500 max | Discretionary | 324.504 |
| Fertilizer - Containing Phosphate | | | 324.8521b |
| <i>Penalty citation</i> | <i>\$1000 max</i> | <i>Discretionary</i> | 324.8520 |
| Fertilizer - Release on Impervious/Frozen Turf | | | 324.8521f |
| <i>Penalty citation</i> | <i>\$1000 max</i> | <i>Discretionary</i> | 324.8520 |
| Littering | varies | | 324.8509a |
| Soil Erosion & Control - Violating control measure | varies | | 324.9121 |
| Solid Waste Management - Open Burning | varies | | 324.11522(4) |
| Scrap Tires - Limiting Mosquito Breeding | \$400 max | Discretionary | 324.16903c |
| Transgenic and Nonnative Organisms violation | \$100 max | Discretionary | 324.41325 |
| State Parks System - Unlawful Entry | | | 324.74116 |
| <i>Penalty citation</i> | <i>\$100 max</i> | <i>Discretionary</i> | 324.74122(2) |
| Camping - Registration Card violation | | | 324.74201(1) |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.74206 |
| Camping - Registration Card violation | | | 324.74202 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.74206 |
| Camping - Failure to Dispose of Rubbish/Garbage | | | 324.74203 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.74206 |
| Mackinac Island State Park - Rule/Order violation | \$500 max | Discretionary | 324.76901 |
| Unlawful Entry of State-Operated Boat Access | \$100 max | Discretionary | 324.78119 |
| Marine Safety - Rule Violation | \$500 max | Discretionary | 324.80114 |
| Marine Safety - Certificate/Decal violation | \$500 max | Discretionary | 324.80122(1) |
| Marine Safety - Improper Decal Display | \$500 max | Discretionary | 324.80124(15) |
| Marine Safety - No/Expired Decal | \$500 max | Discretionary | 324.80124(17) |
| Marine Safety - Abandoned Vessel | varies | | 324.80130f |
| <i>Penalty citation</i> | | | 324.8905a |
| Marine Safety - Flotation Device (under age of 6) | \$100 max | Discretionary | 324.80142 |
| Marine Safety - Safety Equipment violation | \$100 max | Discretionary | 324.80143a |
| Marine Safety - Risk of Collision violation | \$500 max | Discretionary | 324.80144 |
| Marine Safety - Basic Speed Law violation | \$500 max | Discretionary | 324.80145 |
| Marine Safety - Speed/No Wake violation | \$500 max | Discretionary | 324.80146 |
| Marine Safety - Counter Clockwise/\$100 ft | \$500 max | Discretionary | 324.80149 |
| Marine Safety - Towing Skier after Dark | \$500 max | Discretionary | 324.80151 |
| Marine Safety - Observer violation | \$100 max | Discretionary | 324.80152(1)(a) |
| Marine Safety - No PFD while being Towed | \$100 max | Discretionary | 324.80152(1)(b) |
| Marine Safety - No PFD while being Towed U/16 | \$100 max | Discretionary | 324.80152(3)&(4) |

| | | | |
|---|----------------------|----------------------|-------------------------------|
| Marine Safety - Refusing PBT | \$500 max | Discretionary | 324.80180(2) |
| Marine Safety - Buoys on Public Beach | \$500 max | Discretionary | 324.80198b(1) |
| Marine Safety - Swimming Outside Buoy | \$500 max | Discretionary | 324.80198b(2) |
| Personal Watercraft - 150 ft rule violation | \$500 max | Discretionary | 324.80205(6) |
| Personal Watercraft - 2 ft rule violation | \$500 max | Discretionary | 324.80205(7) |
| Personal Watercraft - Operating Outside Channel | \$25 | Mandatory | 324.80206 |
| Personal Watercraft - Dealer Notification violation | \$100 max | Discretionary | 324.80217 |
| Personal Watercraft - Dealer Notification violation | \$100 max | Discretionary | 324.80218 |
| Off-Road Vehicle - Title Sale violation | | | 324.81105 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.81147 |
| Off-Road Vehicle - Manufacturer's Certificate | | | 324.81107 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.81147 |
| Off-Road Vehicle - Fail to Apply for Title | \$100 max | Discretionary | 324.81109 |
| Off-Road Vehicle - Unlicensed Operation of ORV | | | 324.81115 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.81147 |
| Off-Road Vehicle - False Information on License | | | 324.81116 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.81147 |
| Off-Road Vehicle - Dealer Rental violation | | | 324.81121 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.81147 |
| Off-Road Vehicle - Fail to Complete Safety Course | | | 324.81130 |
| <i>Penalty citation</i> | <i>\$500 max</i> | <i>Discretionary</i> | 324.81147 |
| Off-Road Vehicle - Ordinance Highway violation | \$500 max | Discretionary | 324.81131 |
| Off-Road Vehicle - Equipment/Operating violations | \$500 max | Discretionary | 324.81133 |
| <i>Penalty citation</i> | | | 324.81147 |
| Off-Road Vehicle - Refusing PBT | \$500 max | Discretionary | 324.81141(5) |
| Off-Road Vehicle - Abandoned ORV | | | 324.81151 |
| <i>Penalty citation</i> | <i>varies</i> | <i>Discretionary</i> | 324.8905a |
| Snowmobiles - Trail Permit violation | \$100 max | Discretionary | 324.82118 |
| Snowmobiles - Muffler violation | \$100 - \$250 | Mandatory | 324.82126(2) |
| Snowmobiles - Careless/Negligent Operation | \$500 max | Discretionary | 324.82126a |
| Snowmobiles - Refusing PBT | \$500 max | Discretionary | 324.82136 |
| Snowmobiles - Abandoned Snowmobile | | | 324.82161 |
| <i>Penalty citation</i> | <i>varies</i> | <i>Discretionary</i> | 324.8905a |
| State Forest Recreation - Regulation violation | \$500 max | Discretionary | 324.83109 |
| Remains - Failure to Dispose Dead Body/Abortion | \$1,000 max | Discretionary | 333.2854 |
| Body Art Facilities - Providing Services to a Minor | \$500 max | Discretionary | 333.1311 |
| Pharmacy Practice & Drug Control - sale violation | \$500 max | Discretionary | 333.17766e |

| | | | |
|---|--------------------------|------------------|-----------------------------|
| Pharmacy Practice & Drug Control - sale violation | \$500 max | Discretionary | 333.17766f |
| Health Clubs - Fail to Train in First Aid/AED - 1st off | \$250 max | Discretionary | 333.26312 |
| Health Clubs - Fail to Train in First Aid/AED - 1st off | \$500 max | Discretionary | 333.26312 |
| Health Clubs - Fail to Train in First Aid/AED - 1st off | \$1,000 max | Discretionary | 333.26312 |
| <i>Penalty citation</i> | | | 333.26314 |
| School Buildings - Architect Design violation | \$10,000 max | Discretionary | 388.852 |
| Playground Equipment - Manufacturer Safety Standards | | | 408.684 |
| <i>Penalty citation</i> | \$10,000 max | Discretionary | 408.685 |
| Playground Equipment - Assembly Safety Standards | | | |
| <i>Penalty citation</i> | \$1,000 max | Discretionary | 408.685 |
| Liquor Control - Sell/Furnish Alcohol to Minor (sting op) | \$100 max | Discretionary | 436.1701(1) |
| Liquor Control - Minor in Possession of Alcohol - 1st | \$100 max | Discretionary | 436.1703(3) |
| Liquor Control - Sale/Delivery violation | \$1,000 max | Discretionary | 436.1909 |
| Nonferrous Metal Act- Reporting violation | | | 445.426 |
| <i>Penalty citation</i> | \$500 max | Discretionary | 445.435(2) |
| Nonferrous Metal Act - Act violation | \$5,000 max | Discretionary | 445.435(1) |
| Plastic Bulk Merchandise Container - Act violation | \$5,000 max | Discretionary | 445.2083 |
| Restrooms - Medical Conditions Access | | | 446.72 |
| <i>Penalty citation</i> | \$100 max | Discretionary | 446.74 |
| Motor Bus Transportation - Act violation | \$500 max | Discretionary | 474.134 |
| Motor Carrier - Act/Rule violation | \$250 max | Discretionary | 480.17 |
| Motor Carrier - Serious Safety Defect violation | \$500 max | Discretionary | 480.17b |
| Motor Carrier - Marking/Labeling violation | \$500 max | Discretionary | 480.17c |
| Court Officers - Violating limits of Practice | \$500 max | Discretionary | 600.586 |
| Check - Require SSN/Credit Card on Check | \$500 max | Discretionary | 600.2964 |
| Video Games - Violent/Explicit to Minor - 1st Off | \$5,000 max | Discretionary | 722.687 |
| Video Games - Violent/Explicit to Minor - 2nd Off | \$15,000 max | Discretionary | 722.687 |
| Video Games - Violent/Explicit to Minor - 3rd Off | \$40,000 max | Discretionary | 722.687 |
| Dog Identification - Removal of Collar/Microchip | \$1,000 - \$2,500 | Mandatory | 750.70a |
| Video Game - Rating system violation | \$1,000 max | Discretionary | 750.143a |
| Shotgun/Rifle - Federal Registration violation | \$100 max | Discretionary | 750.224b |
| County Jail - Failure to Pay \$12 Fee to Sheriff | \$100 max | Discretionary | 801.4b |
| County Jail - Sheriff Misusing Prisoner Labor | \$500 max | Discretionary | 801.10(2) |
| County Jail - Sheriff Financial Gain from Food | \$500 max | Discretionary | 801.10(3) |