



Senate Fiscal Agency
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Senate Bill 428 through 431 (Substitute S-1 as reported)

Sponsor: Senator Stephanie Chang (S.B. 428)

Senator Jeff Irwin (S.B. 429)

Senator Erika Geiss (S.B. 430)

Senator Jeremy Moss (S.B. 431)

Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 428 (S-1) would amend the juvenile Code to do the following:

- Prohibit a court from ordering a juvenile or a juvenile's parent, guardian, or legal custodian to pay specified fees or costs associated with the juvenile's court case, court proceedings, or post-disposition care.
- Prohibit the court from collecting the balance of any court-ordered fines, fees, or costs previously assessed to a juvenile, beginning July 1, 2024.
- Prohibit an individual from being placed outside of his or her home solely based on nonpayment of restitution or refusal to perform community service.
- Require 100% of the money collected from a juvenile subject to crime victim payments to be applied to the payment of restitution to a victim's estate before the balance could be applied to assessments to the Crime Victim Rights Fund.
- Repeal Section 18m of the Code, which establishes the minimum costs a juvenile must pay arising from a juvenile proceeding.

Senate Bill 429 (S-1) would amend the DNA Identification Profiling System Act to exempt a juvenile within the jurisdiction of the court under the juvenile Code from the requirement to pay a \$60 assessment for the retention of the juvenile's DNA identification profile.

Senate Bill 430 (S-1) would amend the Revised Judicature Act to exempt a juvenile, or a parent, guardian, or legal custodian of a juvenile within the jurisdiction of the court under the juvenile Code, from a late penalty if the juvenile failed to pay a fee or cost associated with court proceedings in 56 days.

Senate Bill 431 (S-1) would amend the Code of Criminal Procedure to delete the following:

- A requirement that the written order of commitment for a juvenile committed to a juvenile agency include a provision for the reimbursement to the court by the juvenile or the juvenile's guardians for the cost of care or service.
- A provision allowing the court to enter an order to intercept the tax refunds of a juvenile or his or her parent, guardian, or custodian for recovery of costs of care or service on a delinquent account.
- A provision allowing the court to order a juvenile or person responsible for the juvenile's support, or both, to reimburse the court for attorney fees if the court appoints an attorney to represent the juvenile.

The bills are tie-barred, and each bill would take effect July 1, 2024.

MCL 712A.2f et al. (S.B. 428)
28.176 (S.B. 429)
600.4803 (S.B. 430)
769.1 (S.B. 431)

BRIEF RATIONALE

The Task Force on Juvenile Justice, created by Governor Whitmer's Executive Order 2021-6, was charged with analyzing Michigan's juvenile justice system and recommending changes to State law, policy, and appropriations aimed to improve youth outcomes. The Task Force found that inconsistent court fees and assessments across the State may disproportionately burden the rehabilitation of some juveniles. Additionally, testimony indicates that non-restitution fees, such as court costs and assessments, generally can make juvenile rehabilitation more difficult. Accordingly, it has been suggested that all non-restitution fees be prohibited.

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 428, 429, 430, and 431 are companion bills to House Bills 4634, 4635, 4636, and 4637 of the 2023-2024 Legislative Session, respectively. Senate Bills 429 and 430 are reintroductions of House Bills 4989 and 4991 of the 2021-2022 Legislative Session, whereas Senate Bills 428 and 431 are similar to House Bill 4987 and 4990 of the same session.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

Senate Bill 428 (S-1), in addition to Senate Bills 430 (S-1) and 431 (S-1), would eliminate non-restitution fees and costs for juvenile adjudication. The cost to local courts and the State are indeterminate; however, associated costs related to the current collection of such fees and costs would also be reduced, again, to an indeterminate degree. According to the State Court Administrative Office, the statewide costs for local courts to collect such fees are high and may currently cost court systems more than the outstanding amounts owed on an annual basis. This cannot be confirmed.

Some statewide data is available. According to the most recent Statewide Circuit Court Summary, total dispositions in circuit court under the juvenile code amounted to 20,762 in 2021. Additionally, there were 2,181 consent calendar proceedings for juveniles that same year.

Senate Bill 429 (S-1) would have a minimal negative fiscal impact on the Justice System Fund, as it would end the requirement that a juvenile, convicted under the bill in which DNA analysis costs were involved in the prosecution pay an assessment of \$60, which would be deposited into the Fund. The Fund was created by Public Act 97 of 2003 to simplify the assessment, collection, and distribution of monetary obligations imposed in criminal cases. Revenue deposited into the Fund comes from various assessments related to court penalties and is distributed according to a percentage formula outlined in the Revised Judicature Act, which supports justice-related activities across State government in the Departments of Corrections, Department of Health and Human Services, Michigan State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. For FY 2021-22, these distributions totaled \$33.1 million in restricted revenue.

Senate Bill 430 (S-1) could result in an indeterminate loss in revenue for local funding units. Late fees would no longer be imposed on juveniles within the jurisdiction of the court.

Currently, late fee revenue is transmitted by the clerk of the court to the treasurer or chief financial officer of the funding unit of the court for deposit in the general fund of the funding unit. The loss in revenue is indeterminate and dependent on the number of actual late fees that would no longer be imposed.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.