



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 611 and 612 (Substitute S-1 as reported)
Sponsor: Senator Stephanie Chang (S.B. 611)
Senator Ruth Johnson (S.B. 612)
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 611 (S-1) would amend Chapter 25 (Fees) of the Revised Judicature Act to do the following:

- Prohibit a court or law enforcement agency from charging or collecting from a petitioner a fee for serving a court document in a personal protection order (PPO) proceeding related to domestic violence or stalking.
- Allow a law enforcement agency required to serve a court document in a PPO proceeding described above to instead charge and collect \$50 for completed service from the Personal Protection Order Fund (Fund) proposed by Senate Bill 612 (S-1).
- Modify requirements of a domestic violence PPO proceeding and service process in accordance with the proposed changes above.

Senate Bill 612 (S-1) would amend the Revised Judicature Act to do the following:

- Create the Fund and require the Department of State Police (MSP) to spend money from the Fund to provide for service by law enforcement agencies of court documents in proceedings for PPOs related to domestic violence or stalking.
- Prescribe the timeline and process for a law enforcement agency to serve a PPO related to domestic violence or stalking.
- Modify requirements of a stalking PPO proceeding and service process in accordance with the proposed changes above.

Senate Bill 611 is tie-barred to Senate Bill 612. Senate Bill 612 is tie-barred to Senate Bill 611 or House Bill 5120, which would make changes similar to Senate Bill 611.

MCL 600.2559 & 600.2950 (S.B. 611); 600.2950 et al. (S.B. 612)

BRIEF RATIONALE

Federal law disqualifies a state from receiving specific grant funding if the state charges a PPO petitioner a fee to serve papers in proceedings related to domestic violence, dating violence, sexual assault, or stalking.¹ According to testimony, law governing PPO service in Michigan allows a petitioner's family member to serve a PPO on the petitioner's behalf. This provision allows Michigan to continue to fulfill the fee-free service requirement; however, some have concern that a family member serving a PPO is not a safe method for service but that service by law enforcement may be cost prohibitive for some petitioners. Accordingly, prohibiting a law enforcement agency from charging a fee to serve a PPO and developing a separate funding mechanism for service has been suggested.

Legislative Analyst: Tyler VanHuyse

¹ 34 USC 10450

FISCAL IMPACT

The bill would have a minimal fiscal impact on local courts and law enforcement agencies, provided the Fund would have adequate appropriations to reimburse courts and law enforcement agencies for those costs. With over 10,000 personal protection order requests annually filed by petitioners statewide, and any related filings, such as hearing notices, subpoenas, or show cause orders per the language of Senate Bill 612 (S-1), the required annual appropriation amount for the Fund would likely be between \$750,000 and \$1.5 million.

It is also not certain that the \$50 service fee amount prescribed by Senate Bill 611 (S-1) is an accurate reflection of actual costs for courts or law enforcement agencies when serving protective orders; however, it is commensurate with other server fees. There may be indeterminate costs for the MSP associated with processing reimbursement requests and issuing payments per the language of the bills.

The bill would not have a significant fiscal impact on the Department of Treasury. Existing appropriations would be sufficient to establish and direct the investment of the new Fund. In the event that the average daily balance of the Fund would regularly exceed \$1.0 million, minor administrative costs could be incurred. This would depend upon the total amount appropriated to the Fund. This amount is currently unknown.

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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.