

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

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Bill Number:

[HB 5371](#) (Constan) Courts; other; certain court fees; exempt prosecuting attorneys from paying. Amends secs. 321 & 2529 of [1961 PA 236](#) (MCL [600.321](#) & [600.2529](#)).

Date position was adopted:

February 25, 2010

Process used to take the ideological position:

Position adopted after discussion and e-vote.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

13 Voted for position
2 Voted against position
4 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

The committee voted to support HB 5371 as being consistent with the existing legislation allowing for the prosecutor's office to be exempt from the payment of any fees to the Court of Appeals. The dissent's concern was the variance in treatment between prosecutors and retained counsel and whether this exception for otherwise required fees was a violation of the right to equal protection under the law.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2009-HB-5371>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- ✓ The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

Court fees are historically considered Keller-permissible because they assist in funding court operations and must be reviewed carefully to ensure that any fees do not prohibit individuals from accessing the courts.