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Stephan W. Currie, Executive Director

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To: Rep. Graham Filler, chair, and members of the House Judiciary Committee

The Michigan Association of Counties (MAC) supports House Bill 5488 to extend authority to courts to impose reasonable costs on defendants to help cover operational expenses. It is critical to pass this bill as soon as possible to ensure courts do not face a funding crisis as the sunset expires in October.

However, if the bill is adopted as written, the sunset moves to Oct. 1, 2023, giving Michigan policy-makers critical time to put in place a stable, long-term funding stream for our trial courts.

The Trial Court Funding Commission said that court costs “directly account for as high as \$291 million annually in support (most of the 26.2 percent generated). Additionally, approximately \$127 million of the annual funds transferred from the State originate from court assessments at sentencing. When totaled, Michigan trial courts are supported, in significant part, by over \$418 million assessed to criminal defendants.”

Without the extension found in HB 5488, trial courts will face a financial emergency, one that will significantly burden court operations and access to justice even while the state continues to cope with COVID-19.

While this authority must be extended to ensure operations continue, we recognize it is certainly not the final solution. MAC supports further legislative actions to implement the Trial Court Funding Commission recommendations once this bill is passed. The recommendations of the Commission address Michigan’s historic problem of financial influence on the justice system and, once fully implemented, will create a more efficient system and stable source of funding for our courts, which is our goal.

For now, though, it is critical to pass HB 5488 to ensure financially stable trial courts until that work can occur. MAC stands ready to partner with the Legislature to ensure this long-term solution is enacted and Michigan’s court funding system “eliminates real or perceived conflict of interests, ensures adequate funding and guarantees access to justice,” as outlined in the Trial Court Funding Commission recommendations.

Sincerely,

Meghann Keit
Governmental Affairs Associate