

Michigan District Judges Association

September 22, 2014



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Senator Rick Jones
915 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

Dear Senator Jones,

Re: Senate Bill 1054 and House Bill 5785

Thank you for scheduling Senate Bill 1054 for hearing tomorrow. Granting this recently introduced bill a prompt hearing shows the depth of your concern for the financial stability of the Michigan court system. We share this concern.

The MDJA adopted a position in response to *People v Cunningham*, 496 Mich 145 (June 18, 2014) on August 18, 2014. That position is as follows:

- (1) The MDJA encourages swift action on behalf of the legislature to address the impact of *Cunningham*.
- (2) The MDJA will support legislation that would give to the court the authority to assess court costs to defendants convicted in criminal cases.
- (3) The MDJA believes this legislation should include a structure for a comprehensive review of the manner in which Michigan courts are funded. This review should be finite in time and focused on stability of funding while preserving local control of court management.

The MDJA does not suggest here that criminal defendants not be charged fines and costs as part of the consequences for their actions. We do suggest that legislation allowing assessment of the cost of day-to-day operation of the court is without legal precedent.

We recognize that the revenue gap created by *Cunningham* must be filled. We also recognize that there is not time in this session for the needed comprehensive review. This shift in state policy may be appropriate. However, we are asking that such review be written into this law along with a sunset as contained in HB 5785 as it passed the House. This would put everyone on notice that this shift in the law of court funding will not be made without prompt, inclusive, comprehensive review.

Sincerely,

William Kelly
Co-chair, MDJA Legislative Committee

Cc: Senator Tonya Schuitmaker
Senator Tory Rocca
Senator Steven Bieda