

City of Hazel Park

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December 9, 2015

Office of Administrative Counsel
PO Box 30052
Lansing MI 48909

Re: Resolution in Opposition to Proposed Amendment of Michigan Court Rules

Your Honorable Justices:

Enclosed find the City of Hazel Park's Resolution 12-039-15 in opposition to the proposed amendment of Michigan Court Rules as passed by City Council at a regular meeting held December 8, 2015.

Thank you for your consideration.

Sincerely,



MaryAnn Gieraltowski, CMC
City Clerk

CITY OF HAZEL PARK
RESOLUTION #12-039-15

RESOLUTION IN OPPOSITION TO PROPOSED AMENDMENT OF THE
MICHIGAN COURT RULES WHICH WOULD REQUIRE COURTS TO ASCERTAIN
A DEFENDANT'S ABILITY TO PAY BEFORE IMPOSING A SENTENCE.

WHEREAS, the Michigan Rules of Court govern procedure in all courts established by the Constitution and laws of the State of Michigan; and

WHEREAS, amendments to the Michigan Court Rules are proposed by the Michigan Supreme Court, which provides notice and an opportunity for comment on the form and or the merits of the proposal; and

WHEREAS, the Court is considering amendments of Rules 3.605, 3.606, 3.928, 3.944, 3.956, 6.001, 6.425, 6.445, 6.610 and 6.933 of the Michigan Court Rules which would require courts to ascertain a defendant's ability to pay a fine before imposing a sentence or incarcerating someone for nonpayment; and

WHEREAS, the proposed amendments would require that a court shall not sentence a defendant to a term of incarceration, nor revoke probation, for failure to comply with an order to pay money unless the court finds, on the record, that the defendant is able to comply with the order without manifest hardship and that the defendant has not made a good-faith effort to comply with the order; and

WHEREAS, individuals charged with a crime often have sources of income that are not reported; and

WHEREAS, it has been the experience of Hazel Park's Police and City Attorney that many defendants that failed to report sources of income are also repeat offenders; and

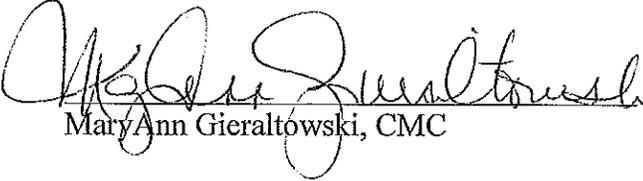
WHEREAS, it has been the experience of Hazel Park's Police and City Attorney that many repeat offenders have a history of failing to appear and comply with prior court notices and orders; and

WHEREAS, the proposed amendments would further encourage defendants to hide sources of income so as to avoid responsibility and accountability, thereby encouraging recidivism; and

WHEREAS, encouraging people to be disingenuous to a court, reducing accountability and responsibility and fostering recidivism jeopardizes the public safety and does not serve the interests of justice.

NOW, THEREFORE, BE IT RESOLVED, that the City Council opposes the proposed amendments and requests that this Resolution opposing the amendments to the Michigan Court Rules be sent to the Office of Administrative Counsel in Lansing.

I, MaryAnn Gieraltowski, Clerk for the City of Hazel Park, do hereby certify that the foregoing is a true and compared copy of a resolution as adopted by the Council of said City at a regular Council Meeting of December 8, 2015.



MaryAnn Gieraltowski, CMC