



# Spotlight: Penal Fines



# DISCLAIMER

*The research and resources here are for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.*



# Penal Fines: Origins



## The Constitution of Michigan Article VIII

### § 9 Public libraries, fines.

*The legislature shall provide by law for the establishment and support of public libraries which shall be available to all residents of the state under regulations adopted by the governing bodies thereof. All fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law.*



# Penal Fines: Basics

- Distributed on a per-capita basis
- Can be used ONLY for Library purposes– in Library Fund.
- Locales without service receive funds for escrow in County Account.
- Amount dependent on local fines and court rulings.
  - Can be affected by multiple factors:
    - Creative sentencing initiatives
    - Changes in speed limits
    - Changes in commuting habits
    - Population changes.



# Penal Fines: Process



US Census provides population.

On June 30 of each year, the Library of Michigan determines what legally established public libraries are in operation and what contracts for provision of public library service are in place throughout the state on that date. The Library of Michigan determines what population is served (the number of residents in the legal service area, including service contract areas) by each public library on June 30.

The screenshot shows the 'Office of Financial Management Applications' web interface. The header includes the Michigan Department of Education logo and navigation links for 'Home', 'LOM State Aid', and 'App Parameters'. The main content area is titled 'Library Service Areas' and features a 'Go to...' dropdown menu. Below this, a table displays data for 'Fruitport District Library' with a 'Show All' link. The table has columns for Municipality, County, Contract Name, Pop. %, Legal, Contract, Total, Begin Dt, and End Dt. The data rows are for Fruitport Charter Township and Fruitport Village, both in Muskegon County, with a total population of 13,598. Below the table is an 'Add Service Area' section with a 'Municipality:' input field and a 'Search' button.

Municipality	County	Contract Name	Pop. %	Legal	Contract	Total	Begin Dt	End Dt
Fruitport Charter Township	Muskegon		100.000	12505	0	12505	04/01/2017	<a href="#">Edit/View</a>
Fruitport Village	Muskegon		100.000	1093	0	1093	04/01/2017	<a href="#">Edit/View</a>
<b>Total</b>				<b>13,598</b>	<b>0</b>	<b>13,598</b>		

Additions of contracted areas or additional members in District will increase penal fines by increasing population.

Individual counties determine per capita rate depending on population and amount available.



# Threats to Penal Fines

- County/Court Administration
- Parallel Ordinances
- Plea Bargaining
- Social Justice
- Legislation

AND

- Municipal Error/Ignorance
- <http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/disttbl.pdf>
- <http://dc.ingham.org/Portals/DC/documents/FinMan/FinancialPrimer.pdf>



# What Can You Do?

- Understand how Penal Fines Work
  - [Library of Michigan Resources](#)
  - <http://www.mml.org/pdf/ipreports/muni-prosecution.pdf>
- Communicate with your County
- Communicate with LoM
- Advocate



# Thanks!

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Library of Michigan Website for Penal Fine information:  
[www.michigan.gov/librarystateaid](http://www.michigan.gov/librarystateaid)

Library Law Website

[https://www.michigan.gov/libraryofmichigan/0,2351,7-160-18668\\_69405\\_79213---,00.html](https://www.michigan.gov/libraryofmichigan/0,2351,7-160-18668_69405_79213---,00.html)

NEXT LAW SPOTLIGHT WEBINAR IS ON AUGUST 29<sup>th</sup> @  
11:00am!

