

HB 5120 -- Redline

Introduced to Substitute -- Civil procedure: service of process; cost for service of process for personal protection orders; eliminate. Amends secs. 2559 & 2950 of 1961 PA 236 (MCL 600.2559 & 600.2950). TIE BAR WITH: HB 5121'25, HB 6033'26

Deletions ~~struck~~ · Insertions underlined

SUBSTITUTE FOR HOUSE BILL NO.

5120 ~~October~~A 23~~bill 2025~~to Introduced~~amend~~ 1961 PA 236, entitled "Revised judicature act of 1961," by
Reps. amending section 2950 (MCL 600.2950), as amended by 2018 PA 146.

~~Scott, Lightner, Rogers, Steckloff, Edwards, Mentzer, Weiss, Snyder, Wooden, Wilson, Hoskins, Breen, Glanville, Brixie, Pohutsky, Greene, Koleszar, Foreman, Witwer, Conlin, Arbit, Tsernoglou, Xiong, Byrnes, Longjohn, Coffia, McFall, MacDonell, Dievendorf, Morgan, Price, Grant, Paiz, Green, Tate, T. Carter, Miller, Liberati, Rheingans, Herzberg, Neeley, McKinney, Hope, Martus, Fitzgerald, Skaggs, Slagh and Farhat and referred to Committee on Judiciary.~~

~~A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 2550 and 2950 (MCL 600.2550 and 600.2950), section 2550 as amended by 2023 PA 35 and section 2950 as amended by 2018 PA 146.~~

~~2550.~~

~~(1) Except as provided in subsection (7), or (9), or (10), the following is the schedule of fees allowed for process or papers served out of a court in this state by a person TDR H04613'25_HB5120_INTR_1 bp9hs2 1 authorized under this act or supreme court rule to serve process:~~

~~(a) For personal service of a summons and complaint in a civil action, along with supporting documents, for each defendant, \$26.00 plus mileage.~~

~~(b) For personal service of an affidavit and account, for each defendant, \$26.00 plus mileage.~~

~~(c) For a request for and writ of garnishment, for each garnishee and defendant, \$23.00 plus mileage.~~

~~(d) For personal service of an order to seize goods that are the subject of a claim and delivery action, \$40.00 plus mileage, plus the actual and reasonable expense of seizing, keeping, and delivering the goods.~~

~~(e) For receiving and filing a bond from or on behalf of a defendant in a claim and delivery action, \$20.00.~~

~~(f) For an order to show cause, for each person served, \$26.00 plus mileage.~~

~~(g) For a subpoena on discovery, for each person served, \$26.00 plus mileage.~~

~~(h) For levying under or serving an order for the seizure of property and any accompanying paper, \$40.00 plus mileage, plus the actual and reasonable expense of seizing and keeping the property under the order.~~

~~(i) If the person has seized property under an order for the seizure of property issued in an action in which a judgment is entered against the owner of the property, regardless of whether the judgment is entered before or after the order is issued, and if the judgment is satisfied before sale of the seized property by full payment of the judgment or settlement between the parties, 7% of the first \$8,000.00 of the payment or settlement amount and 3% TDR H04613'25_HB5120_INTR_1 bp9hs2 1 of the payment or settlement amount exceeding the first \$8,000.00.~~

~~(j) For sale of property seized under an order for the seizure of property, 7% of the first \$8,000.00 in receipts and 3% of any receipts exceeding the first \$8,000.00.~~

~~(k) For each notice of sale under an order for the seizure of property or construction lien posted in a public place in the city or township, \$26.00 plus mileage.~~

~~(l) For an order of eviction or a writ for the restitution of premises, for each defendant, \$40.00 plus mileage, plus the actual and reasonable expense for the physical removal of property from the premises.~~

~~(m) For a subpoena directed to a witness, including a judgment debtor, \$26.00 plus mileage.~~

~~(n) For a civil bench warrant or body execution, \$40.00 plus mileage, plus a reasonable fee per hour for the amount of time involved in executing the warrant.~~

~~(o) For service by mail, \$13.00 plus the actual cost of postage.~~

~~(p) For each verification by a process server, \$10.00 plus mileage.~~

~~(q) For each postal change of address verification requested by the plaintiff, \$10.00.~~

~~(r) For each global positioning service verification requested by the plaintiff, \$5.00.~~

~~(s) For each photo verification requested by the plaintiff, \$5.00.~~

~~(2) On submitting a sworn affidavit, a person authorized by this act or supreme court rule to serve process or papers out of a court in this state is entitled to receive a \$10.00 fee plus TDR H04613'25_HB5120_INTR_1 bp9hs2 1 mileage for each process that has an incorrect address.~~

~~This fee is in addition to any fee the person is entitled to receive under subsection (1).~~

~~(3) Mileage is allowed under subsection (1) at 1 1/2 times the rate allowed by the state civil service commission for employees in the state classified civil service.~~

~~Mileage is computed, each way, using the shortest reasonable route from the place where the court that issued or filed the process or paper is located to the place of service.~~

~~(4) The fees and expenses allowed under subsection (1)(h) to (k) must be collected in the same manner as the sum directed to be levied or collected under the order for the seizure of property.~~

~~If at the time of advertising property for sale a sheriff or other officer has several orders for the seizure of property against the same defendant, the sheriff or officer shall charge only 1 advertising fee on the whole, and shall elect on which order he or she the sheriff or other officer will receive the fee.~~

~~(5) A person authorized by this act or supreme court rule to serve process or papers out of a court in this state who demands and receives a greater fee or compensation for performing a service mentioned in this section than allowed by this section is, in addition to all other liability provided by law, liable to the party injured by paying the illegal fees for 3 times the amount of illegal fees actually paid and all costs of the action.~~

~~(6) A sheriff or other officer who, after the fees specified by this section have been tendered, neglects or refuses a service required by law is liable to the party injured for all damages that the party sustains as a result of the neglect or refusal.~~

~~(7) A person authorized under this act or supreme court rule TDR H04613'25_HB5120_INTR_1 bp9hs2 1 to serve process may charge a fee for service of process that exceeds the fee prescribed under this section or other law if the fee is agreed to in advance in writing by the person serving process and the person requesting the service.~~

~~(8) Regardless of whether a fee charged or paid for service of process exceeds the fee prescribed by this section or other law, including a fee allowed under subsection (7), a person entitled to tax costs shall not attempt to tax and is not entitled to recover a fee for service of process that exceeds the fee prescribed by this section or other law.~~

~~(9) A person shall not charge or collect a fee for serving process issued in an action brought under the extreme risk protection order act, or for serving any order issued in the action.~~

~~(10) To assure compliance with section 40121 of the violence against women act of 1994, 34 USC 10450, a court or law enforcement agency shall not charge or collect from the petitioner a fee for serving a court document listed in this subsection in a proceeding for a personal protection order under section 2950 or 2950a, or a foreign protection order under section 2950l.~~

~~However, a law enforcement agency required to serve the court document may charge and collect \$50.00 for completed service from the personal protection order service fund created in section 2950p.~~

~~The law enforcement agency shall not charge or collect more than \$50.00 for service of multiple documents at the same time.~~

~~This subsection applies to all of the following, and to any accompanying documents:~~

~~(a) A petition for a personal protection order.~~

~~(b) A personal protection order.~~

~~(c) A notice of hearing.~~

~~TDR H04613'25_HB5120_INTR_1 bp9hs2 1 (d) A subpoena or order to appear for a witness.~~

~~(e) A motion to show cause.~~

~~(f) An order to appear on a show cause motion.~~

~~(11) (10) As used in this section, "order for the seizure of property" includes a writ of attachment and a writ of execution, including, but not limited to, execution in a claim and delivery action on property other than the property that is the subject of the claim and delivery action.~~

~~Sec.~~

(1) Except as otherwise provided in subsections (26) and (27) and (28), by commencing an independent action to obtain relief under this section, by joining a claim to an action, or by filing a motion in an action in which the petitioner and the individual to be restrained or enjoined are parties, an individual may petition the family division of circuit court to enter a personal protection order to restrain or enjoin a spouse, a former spouse, an individual with whom he or she the petitioner has had a child in common, an individual with whom he or she the petitioner TDR H04613'25 (H-1) rdhiwm 1 has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing 1 or more of the following:

TDR H04613'25_HB5120_INTR_1 bp9hs2 1 (e) Purchasing or possessing a firearm.

TDR H04613'25 (H-1) rdhiwm 1 (j) Engaging in conduct that is prohibited under section 411h or 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and 750.411i.

A restraining order that enjoins conduct under this subparagraph does not prohibit the lawful killing or other use of the animal as described in section 50(11) 50(12) of the Michigan penal code, 1931 PA 328,

MCL 750.50.

~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ (ii) Removing the animal from the petitioner's possession.

(2) If the respondent is a person who is issued a license to carry a concealed weapon and is required to carry a weapon as a condition of his or her employment, a police officer licensed or certified by the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, a sheriff, a deputy sheriff or a member of the Michigan department of state police, a local corrections officer, a department of corrections employee, or a federal law enforcement officer who carries a firearm during the normal course of his or her employment, the petitioner shall notify the court of the respondent's occupation before issuance of the personal protection order.

TDR H04613'25 (H-1) rdhiwm 1 (3) A petitioner may omit his or her the petitioner's address of residence from documents filed with the court under this section.

(a) Testimony, documents, or other evidence offered in support ~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ of the request for a personal protection order.

TDR H04613'25 (H-1) rdhiwm 1 (b) A medical report.

~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ (9) A personal protection order is effective and immediately enforceable anywhere in this state after being signed by a judge.

TDR H04613'25 (H-1) rdhiwm 1 (a) A statement that the personal protection order has been entered to restrain or enjoin conduct listed in the order and that violation of the personal protection order will subject the individual restrained or enjoined to 1 or more of the following:

(ii) If the respondent is less than 17 years of age, immediate apprehension or being taken into custody and the dispositional alternatives listed in section 18 of chapter XIIA of the probate ~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ code of 1939, 1939 PA 288, MCL 712A.18.

(f) The name of the law enforcement agency designated by the court to enter the personal protection order into the law TDR H04613'25 (H-1) rdhiwm 1 enforcement information network.

(13) (12) A court shall issue an ex parte personal protection order without written or oral notice to the individual restrained or enjoined or his or her the individual's attorney if it clearly ~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ appears from specific facts shown by a verified complaint, written motion, or affidavit that immediate and irreparable injury, loss, or damage will result from the delay required to effectuate notice or that the notice will itself precipitate adverse action before a personal protection order can be issued.

(15) (14) Except as otherwise provided in this subsection, the court shall schedule a hearing on a motion to modify or rescind the ex parte personal protection order within 14 days after the motion TDR H04613'25 (H-1) rdhiwm 1 is filed.

If the respondent is a person described in subsection (2) and the personal protection order prohibits him or her the respondent from purchasing or possessing a firearm, the court shall schedule a hearing on the motion to modify or rescind the ex parte personal protection order within 5 days after the motion is filed.

(a) File Transmit a true copy of the personal protection order with to the law enforcement agency or agencies designated by the court in the personal protection order under subsections (10) and ~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ (11).

(f) (e) If the respondent is identified in the pleadings as a department of corrections employee, notify the state department of TDR H04613'25 (H-1) rdhiwm 1 corrections about the existence of the personal protection order.

~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ (18) (17) The law enforcement agency that receives a true copy of a personal protection order under subsection (15) or (16) or (17) shall immediately and without requiring proof of service enter the personal protection order into the law enforcement information network as provided by the C.J.I.S.

If the individual restrained or enjoined has not been served, a law enforcement officer or clerk of the court who knows that a personal protection order exists may, at any time, serve the individual restrained or enjoined with a true copy of the order or advise the individual restrained or enjoined of the existence of the personal TDR H04613'25 (H-1) rdhiwm 1 protection order, the specific conduct enjoined, the penalties for violating the order, and where the individual restrained or enjoined may obtain a copy of the order.

A proof of service or proof of oral notice must be filed with the clerk of the court issuing that issued the personal protection order.

~~TDR H04613'25_HB5120_INTR_1_bp0hs2_1~~ (20) (19) The clerk of the court that issued the personal protection order shall immediately notify the law enforcement agency that received the personal protection order under subsection (15) or (16) or (17) if either of the following occurs:

(22) (21) Subject to subsection (22), (23), a personal protection order is immediately enforceable anywhere in this state TDR H04613'25 (H-1) rdhiwm 1 by any law enforcement agency that has received a true copy of the order, is shown a copy of it, or has verified its existence on the law enforcement information network as provided by the C.J.I.S.

~~TDR H04613'25 HB5120 INTR 1 bp0hs2 1~~ The law enforcement officer shall enforce the personal protection order and immediately enter or cause to be entered into the law enforcement information network that the individual restrained or enjoined has actual notice of the personal protection order.

The law enforcement officer also shall file a proof of service or proof of oral notice with the clerk of the court issuing that issued the personal protection order.

TDR H04613'25 (H-1) rdhiwm 1 (24) (23) An individual who is 17 years of age or older and who refuses or fails to comply with a personal protection order under this section is subject to the criminal contempt powers of the court and, if found guilty, must be imprisoned for not more than 93 days and may be fined not more than \$500.00.

~~TDR H04613'25 HB5120 INTR 1 bp0hs2 1~~ (25) (24) An individual who knowingly and intentionally makes a false statement to the court in support of his or her the individual's petition for a personal protection order is subject to the contempt powers of the court.

(28) (27) If the respondent is less than 18 years of age, TDR H04613'25 (H-1) rdhiwm 1 issuance of a personal protection order under this section is subject to chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.

(29) (28) A personal protection order that is issued before March 1, 1999 is not invalid on the ground grounds that it does not comply with 1 or more of the requirements added by 1998 PA 477.

~~TDR H04613'25 HB5120 INTR 1 bp0hs2 1~~ (d) The petitioner permits the animal to remain on or about premises occupied by the petitioner.

TDR H04613'25 (H-1) rdhiwm Enacting section 1.

This amendatory act does not take effect unless ~~Senate all Bill of No.~~ the following bills of the 103rd Legislature are enacted into law:

~~—(a) (requestHouse no. Bill No.~~

~~S04741'25)5121. or House Bill No.~~

~~5121(b) (requestHouse no. Bill No.~~

~~H04741'25)6033. of the 103rd Legislature is enacted into law.~~

Final Page TDR ~~H04613'25 HB5120 INTR 1~~ H04613'25 bp0hs2(H-1) rdhiwm