

# **ORDER TO REMIT PRISONER FUNDS FOR FINES, COSTS, AND ASSESSMENTS**

## PROCEDURAL STEPS TO TAKE WHEN DRAFTING THE ORDER

### For defendants sentenced to prison by your court.

1. Upon sentencing, a Judgment of Sentence, Commitment to Department of Corrections (Form CC219b) is prepared and signed by the judge. An Order to Remit Prisoner Funds for Fines, Costs, and Assessments (Form MC 288) is also prepared and signed by the judge.
2. Complete the defendant's name, SID (State ID number), and date of birth on the MC 288 form. You do not have to fill in the institution name and address.
3. The balance owed should include all financial sanctions ordered by the court, **excluding** restitution.
4. The original judgment of sentence and order to remit prisoner funds are filed in the court file, and two (2) copies are certified and sent with the DOC paperwork so that one packet is sent with the defendant to the correctional facility.

### For defendants not sentenced to prison by your court.

1. Complete the order to remit prisoner funds in its entirety. You will need to look up the facility where the defendant is being housed and the prisoner number on OTIS.
2. Once the form has been completed, and signed by the judge, you will need to complete the Certificate of Mailing. Be sure to make two additional copies. If you forget how many copies to make, this information is located at the upper right hand corner of the order. The original should be kept in the defendant's court file and a copy should be sent to the correctional institution and the defendant under separate cover. Certified mail is not necessary, but may be recommended for confirmation that the order has been received. If restitution is owed, a copy of the judgment of sentence should be included with the MC 288 form.

PROCEDURAL STEPS TO TAKE AFTER AN ORDER HAS BEEN SATISFIED

1. Upon full payment of the court-ordered financial obligations, including restitution, it is your responsibility to complete the Satisfaction of Financial Obligation (Form MC 290). This form does not need to be signed by the judge. The Certificate of Mailing should be signed and two additional copies should be made. The original goes in the file, and a copy is mailed to both the correctional institution and the defendant.
2. CONGRATULATIONS!!!! You may now close your file.

*These forms can be found at:*

<http://courts.michigan.gov/scao/courtforms/generalcriminal/gcrindex.htm>

## **ORDER TO REMIT PRISONER FUNDS FOR FINES, COSTS, AND ASSESSMENTS**

### **FREQUENTLY ASKED QUESTIONS AND ANSWERS**

#### ***What is an Order to Remit Prisoner Funds for Fines, Costs, and Assessments?***

It is an order that is signed by the presiding judge in order to have money withheld from a prisoner commissary account. It may also be referred to as a “prison sweep.”

#### ***How often does this order need to be done?***

You only need to complete the order once. If the prisoner is transferred to another facility, that facility will pick up the enforcement of the order.

#### ***How often is money withheld?***

Per the order, the Michigan Department of Corrections (MDOC) can withhold 50% of any money received by the defendant over \$50 each month. For example, Johnny’s mom puts \$200 in his account at her last visit. If there is an order to remit on Johnny’s case, the MDOC can now sweep the account and withhold \$75 from this account. \$200 was deposited, minus the \$50 that is allowed by MDOC. That leaves a remainder of \$150. 50% of this amount would be \$75 that would be withheld for the court. Typically, the funds are held and not disbursed to the court until such time as \$100 or more is collected by MDOC.

#### ***Can this order be used for district court fines and costs as well?***

Yes. This form can be used by the circuit court, including the family division, and the district court to collect on fines, costs, and assessments.

#### ***Will I be able to collect restitution by using this order?***

No. The collection of restitution is governed by MCL 791.220h. It is collected separately by MDOC, based upon the restitution amount reflected on the judgment of sentence that is sent with the order to remit prisoner funds. An order to collect restitution will take priority over an order to remit prisoner funds.

#### ***Is there a fee involved to submit this order to the Michigan Department of Corrections?***

No.

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY</b>	<b>JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS</b>	<b>CASE NO.</b>
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ORI MI- Court address Court telephone no.  
Police Report No.

THE PEOPLE OF THE STATE OF MICHIGAN

v

Defendant's name, address, and telephone no.

CTN/TCN	SID	DOB
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Prosecuting attorney name Bar no.

Defendant's attorney name Bar no.

1. The defendant was found guilty on \_\_\_\_\_ of the crime(s) stated below.  
Date

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

\*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill. For dismissal: insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

- 2. The conviction is reportable to the Secretary of State pursuant to MCL 257.625(21)(b).
- 3. HIV testing and sex offender registration is completed. Defendant's driver's license number \_\_\_\_\_
- 4. The defendant has been fingerprinted according to MCL 28.243.

**IT IS ORDERED:**

- 5. Probation is revoked.
- 6. Participating in a special alternative incarceration unit is  prohibited.  permitted.
- 7. The defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM			MAXIMUM		DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.		Mos.	Days	

- 8. Sentence(s) to be served consecutively to (If this item is not checked, the sentence is concurrent.)  
 each other.  case numbers \_\_\_\_\_.

9. The defendant shall pay:

State Minimum	Crime Victim	Restitution	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$	\$	\$	\$	\$	\$	\$	\$

The due date for payment is \_\_\_\_\_. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

- 10. The concealed weapon board shall  suspend for \_\_\_\_\_ days  permanently revoke the concealed weapon license, permit number \_\_\_\_\_, issued by \_\_\_\_\_ County.
- 11. The defendant is subject to lifetime monitoring pursuant to MCL 780.520n.

12. Court recommendation:

\_\_\_\_\_  
Date Judge Bar no.

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver the defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

\_\_\_\_\_  
Deputy court clerk

<b>STATE OF MICHIGAN JUDICIAL CIRCUIT JUDICIAL DISTRICT</b>	<b>ORDER TO REMIT PRISONER FUNDS FOR FINES, COSTS, AND ASSESSMENTS</b>	<b>CASE NO.</b>
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Court address Court telephone no.

**TO:** Institution name and address

THE PEOPLE OF  The State of Michigan

\_\_\_\_\_

v

Defendant's name	
Prisoner no.	DOB
SID	

**THE COURT FINDS:**

1. The defendant owes a balance of \$ \_\_\_\_\_ , **not including restitution**, which is collected by the Department of Corrections in accordance with MCL 791.220h, for the obligation ordered in the judgment of sentence or other order dated \_\_\_\_\_ . (A copy of the judgment of sentence or order is attached.)

**IT IS ORDERED:**

2. For payment toward the obligation, the Department of Corrections shall collect 50 percent of all funds received by the defendant over \$50.00 each month.
3. If the amount withheld at any one time is \$100.00 or less, the Department of Corrections shall continue collecting funds from the defendant's prisoner account until the sum of the amounts collected exceeds \$100.00, at which time the Department of Corrections shall remit that amount to this court to  the above address.  the following address:
4. Withdrawal from the defendant's prisoner account and remittance to this court shall continue until the obligation is paid in full. If the defendant transfers to a facility at which an institutional account is not maintained, or if the defendant is paroled, discharged, or dies, any withheld funds shall be remitted to this court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Bar no.

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

<b>STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT</b>	<b>SATISFACTION OF FINANCIAL OBLIGATION</b>	<b>CASE NO.</b>
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Court address Court telephone no.

THE PEOPLE OF  The State of Michigan

\_\_\_\_\_

v

Defendant's name	
Prisoner no.	DOB
SID	

Institution name and address

On \_\_\_\_\_ this court entered an order to remit prisoner funds for payment toward  
Date an obligation ordered in a judgment of sentence or other order.

That financial obligation has been paid in full to the court as of \_\_\_\_\_ .  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court clerk/Deputy court clerk

**CERTIFICATE OF MAILING**

I certify that on this date I served a copy of this satisfaction of financial obligation on the defendant and the institution/facility by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature