



**LEADING THE ADVANCEMENT OF ALL
MICHIGAN LIBRARIES THROUGH ADVOCACY,
EDUCATION AND ENGAGEMENT**

July 10, 2023

Michigan State Senate
PO Box 30036
Lansing, MI 48909

Since 1835, the people of the State of Michigan constitutionally mandated that penal fines be allocated to public libraries. Michigan is one of 12 states that uses penal fines as funding for public libraries, and the only one where that promise is enshrined in the state constitution. Article VIII, section 9 of the Michigan Constitution states:

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.

Operating a library is costly. Like any business, libraries must pay for staff salaries and benefits, building maintenance, utilities, insurance, equipment, digitization, books, etc. Penal fines are a unique and important funding source. Despite repeated attempts to usurp these funds, they account for 3% to 70% of annual budgets for public libraries. While penal fines have never been intended to be a primary source of a library's funding, libraries depend on penal fines as reliable revenue in their budgets.

In 2008, penal fines were at their highest level -- \$32 million. By 2020, penal fines had dropped to \$24 million. While we expect some variations in amounts from year to year and county to county, since penal fines are constitutionally guaranteed to libraries, and funded outside of the state's tax revenues and budget, penal fines should not be affected by the legislature or state agencies.

But they are. Even being constitutionally protected, MLA continues to see a quickening erosion of this source of income for libraries across the state. This past year alone, we have seen example after example of bills introduced at the state level (SB26, HB4132, HB4133, HB4458, HB4459 to name a few) that would divert penal fines from libraries to other uses. We are also aware of the impact that has been proposed in the Trial Court report/funding consolidation plan that would be detrimental to library funding. MLA is prepared to protect these vital resources until such time as a new funding source is secured. MLA will continue to educate our legislators on penal fines as a constitutionally protected form of revenue for libraries to mitigate any further erosion of funding.

Penal fines are a unique and important, yet complicated, funding source for libraries. MLA would be happy to provide further information on this to you. Please contact me at 517-881-1266 or dmikula@milibraries.org

Sincerely,

A handwritten signature in blue ink that reads 'Deborah E. Mikula'.

Deborah E. Mikula, Executive Director, Michigan Library Association