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BILL ANALYSIS

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Senate Bill 924

Sponsor: Senator Harmon Cropsey

Committee: Criminal Justice, Urban Affairs, and Economic Development

Date Completed: 8-29-88

SUMMARY OF SENATE BILL 924 as introduced 6-15-88:

The bill would amend the Code of Criminal Procedure to allow a court to order persons convicted of certain alcohol- or drug-related driving offenses to reimburse the State or a local unit of government for expenses of an emergency response to the incident out of which the conviction arose.

A reimbursement requirement could be imposed as part of a sentence for a person convicted of operating a vehicle under the influence of liquor or a controlled substance (MCL 257.625), or while impaired due to the consumption of liquor or a controlled substance (MCL 257.625b). In addition, a conviction for an offense of felonious driving, negligent homicide, or manslaughter, committed while impaired by or under the influence of liquor or a controlled substance, could result in a reimbursement order. Unless specified otherwise by the court, reimbursement ordered under the bill would have to be made immediately. The court could require, however, that the person reimburse the costs within a specified period or in specified installments.

If the convicted person were sentenced to probation or paroled from incarceration, any reimbursement that was ordered would have to be a condition of probation or parole. If the person failed to comply with the reimbursement order and had not made a "good faith effort" to do so, the court could revoke probation and the parole board could revoke parole. When determining whether to revoke probation or parole, the court or parole board would have to consider the person's employment status, earning ability, financial resources, the willfulness of the failure to pay, and other special circumstances that had a bearing on his or her ability to pay. A person could not be incarcerated for failure to make a reimbursement unless the court determined that he or she had the resources to pay and had not made a good faith effort to do so.

Reimbursement orders made under the bill could be enforced by the prosecuting attorney for the unit of government to be reimbursed.

Proposed MCL 769.1e

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The number of convictions and cost of services that would be provided can not be estimated.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.