

SENATE BILL No. 576

October 30, 1991, Introduced by Senators BOUCHARD, DE GROW, HONIGMAN and CISKY and referred to the Committee on Judiciary.

A bill to amend chapter IX of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 769.1 to 769.28 of the Michigan Compiled Laws, by adding section 1e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter IX of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 769.1 to 769.28 of the Michigan
3 Compiled Laws, is amended by adding section 1e to read as
4 follows:

5 CHAPTER IX

6 SEC. 1E. (1) AS PART OF THE SENTENCE FOR A CONVICTION OF
7 ANY OF THE FOLLOWING OFFENSES, IN ADDITION TO ANY OTHER PENALTY
8 AUTHORIZED BY LAW, THE COURT MAY ORDER THE PERSON CONVICTED TO
9 REIMBURSE THE STATE OR A LOCAL UNIT OF GOVERNMENT FOR EXPENSES OF

1 AN EMERGENCY RESPONSE TO THE INCIDENT FROM WHICH THE CONVICTION
2 AROSE, AND OTHER EXPENSES INCURRED IN RELATION TO THAT INCIDENT
3 AND TO THE PROSECUTION OF THE PERSON, AS PROVIDED IN THIS
4 SECTION:

5 (A) A VIOLATION OF SECTION 625(1) OR (2) OR SECTION 625B OF
6 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
7 1949, BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN
8 COMPILED LAWS, OR OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
9 ING TO SECTION 625(1) OR (2) OR SECTION 625B OF ACT NO. 300 OF
10 THE PUBLIC ACTS OF 1949.

11 (B) FELONIOUS DRIVING, NEGLIGENT HOMICIDE, OR MANSLAUGHTER,
12 RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, SNOWMOBILE, ORV,
13 AIRCRAFT, VESSEL, OR LOCOMOTIVE ENGINE WHILE THE PERSON WAS
14 IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
15 CONTROLLED SUBSTANCE, OR A COMBINATION OF INTOXICATING LIQUOR AND
16 A CONTROLLED SUBSTANCE, OR HAD AN UNLAWFUL BLOOD ALCOHOL
17 CONTENT.

18 (C) A VIOLATION OF SECTION 15(B) OF ACT NO. 74 OF THE PUBLIC
19 ACTS OF 1968, BEING SECTION 257.1515 OF THE MICHIGAN COMPILED
20 LAWS.

21 (D) A VIOLATION OF SECTION 20B OF ACT NO. 319 OF THE PUBLIC
22 ACTS OF 1975, BEING SECTION 257.1620B OF THE MICHIGAN COMPILED
23 LAWS.

24 (E) A VIOLATION OF SECTION 185 OF THE AERONAUTICS CODE OF
25 THE STATE OF MICHIGAN, ACT NO. 327 OF THE PUBLIC ACTS OF 1945,
26 BEING SECTION 259.185 OF THE MICHIGAN COMPILED LAWS.

1 (F) A VIOLATION OF SECTION 73 OR 73B OF THE MARINE SAFETY
2 ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTIONS
3 281.1073 AND 281.1073B OF THE MICHIGAN COMPILED LAWS, IF THE
4 PERSON OPERATED, PROPELLED, OR WAS IN PHYSICAL CONTROL OF THE
5 VESSEL.

6 (G) A VIOLATION OF SECTION 2 OR 3 OF ACT NO. 4 OF THE PUBLIC
7 ACTS OF 1986, BEING SECTIONS 470.202 AND 470.203 OF THE MICHIGAN
8 COMPILED LAWS.

9 (2) THE EXPENSES FOR WHICH REIMBURSEMENT MAY BE ORDERED
10 UNDER THIS SECTION INCLUDE THE FOLLOWING:

11 (A) THE SALARIES OR WAGES, INCLUDING OVERTIME PAY, OF LAW
12 ENFORCEMENT PERSONNEL FOR TIME SPENT RESPONDING TO THE INCIDENT
13 FROM WHICH THE CONVICTION AROSE, ARRESTING THE PERSON CONVICTED,
14 PROCESSING THE PERSON AFTER THE ARREST, PREPARING REPORTS ON THE
15 INCIDENT, INVESTIGATING THE INCIDENT, AND COLLECTING AND ANALYZ-
16 ING EVIDENCE, INCLUDING DETERMINING BLOOD ALCOHOL CONTENT AND
17 DETERMINING THE PRESENCE OF AND IDENTIFYING CONTROLLED SUBSTANCES
18 IN THE BLOOD.

19 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING
20 OVERTIME PAY, OF FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE
21 PERSONNEL, INCLUDING VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMER-
22 GENCY MEDICAL SERVICE PERSONNEL, FOR TIME SPENT IN RESPONDING TO
23 AND PROVIDING FIRE FIGHTING, RESCUE, AND EMERGENCY MEDICAL SERV-
24 ICES IN RELATION TO THE INCIDENT FROM WHICH THE CONVICTION
25 AROSE.

26 (C) THE COST OF MEDICAL SUPPLIES LOST OR EXPENDED BY FIRE
27 DEPARTMENT AND EMERGENCY MEDICAL SERVICE PERSONNEL, INCLUDING

1 VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMERGENCY MEDICAL SERVICE
2 PERSONNEL, IN PROVIDING SERVICES IN RELATION TO THE INCIDENT FROM
3 WHICH THE CONVICTION AROSE.

4 (3) IF POLICE, FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE
5 PERSONNEL FROM MORE THAN 1 UNIT OF GOVERNMENT INCURRED EXPENSES
6 AS DESCRIBED IN SUBSECTION (2), THE COURT MAY ORDER THE PERSON
7 CONVICTED TO REIMBURSE EACH UNIT OF GOVERNMENT FOR THE EXPENSES
8 IT INCURRED.

9 (4) THE TOTAL AMOUNT ORDERED TO BE PAID UNDER THIS SECTION
10 SHALL NOT EXCEED \$500.00, UNLESS 1 OR MORE OF THE FOLLOWING CIR-
11 CUMSTANCES EXIST:

12 (A) THE CONVICTION RESULTED FROM THE OPERATION OF AN
13 AIRCRAFT.

14 (B) THE CONVICTION RESULTED FROM THE OPERATION OF A LOCOMO-
15 TIVE ENGINE.

16 (C) THE INCIDENT FROM WHICH THE CONVICTION AROSE INVOLVED 3
17 OR MORE MOTOR VEHICLES, SNOWMOBILES, ORV'S, OR VESSELS.

18 (D) THE INCIDENT FROM WHICH THE CONVICTION AROSE RESULTED IN
19 INJURY TO 3 OR MORE PERSONS, OR DEATH TO 1 OR MORE PERSONS.

20 (5) THE AMOUNT ORDERED TO BE PAID UNDER THIS SECTION SHALL
21 BE PAID TO THE CLERK OF THE COURT, WHO SHALL TRANSMIT THE APPRO-
22 PRIATE AMOUNT TO THE UNIT OR UNITS OF GOVERNMENT NAMED IN THE
23 ORDER TO RECEIVE REIMBURSEMENT. IF NOT OTHERWISE PROVIDED BY THE
24 COURT UNDER THIS SUBSECTION, THE REIMBURSEMENT ORDERED UNDER THIS
25 SECTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE COURT MAY
26 REQUIRE THAT THE PERSON MAKE THE REIMBURSEMENT ORDERED UNDER THIS
27 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

1 (6) IF THE PERSON CONVICTED IS PLACED ON PROBATION OR
2 PAROLED, ANY REIMBURSEMENT ORDERED UNDER THIS SECTION SHALL BE A
3 CONDITION OF THAT PROBATION OR PAROLE. THE COURT MAY REVOKE PRO-
4 BATION AND THE PAROLE BOARD MAY REVOKE PAROLE IF THE PERSON FAILS
5 TO COMPLY WITH THE ORDER AND IF THE PERSON HAS NOT MADE A GOOD
6 FAITH EFFORT TO COMPLY WITH THE ORDER. IN DETERMINING WHETHER TO
7 REVOKE PROBATION OR PAROLE, THE COURT OR PAROLE BOARD SHALL CON-
8 sider THE PERSON'S EMPLOYMENT STATUS, EARNING ABILITY, NUMBER OF
9 DEPENDENTS, AND FINANCIAL RESOURCES, THE WILLFULNESS OF THE
10 PERSON'S FAILURE TO PAY, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT
11 MAY HAVE A BEARING ON THE PERSON'S ABILITY TO PAY.

12 (7) AN ORDER FOR REIMBURSEMENT UNDER THIS SECTION MAY BE
13 ENFORCED BY THE PROSECUTING ATTORNEY OR THE STATE OR LOCAL UNIT
14 OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE THE REIMBURSEMENT IN
15 THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

16 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
17 PERSON SHALL NOT BE IMPRISONED, JAILED, OR INCARCERATED FOR A
18 VIOLATION OF PAROLE OR PROBATION, OR OTHERWISE, FOR FAILURE TO
19 MAKE A REIMBURSEMENT AS ORDERED UNDER THIS SECTION UNLESS THE
20 COURT DETERMINES THAT THE PERSON HAS THE RESOURCES TO PAY THE
21 ORDERED REIMBURSEMENT AND HAS NOT MADE A GOOD FAITH EFFORT TO DO
22 SO.

23 (9) AS USED IN THIS SECTION:

24 (A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 4 OF
25 ACT NO. 327 OF THE PUBLIC ACTS OF 1945, BEING SECTION 259.4 OF
26 THE MICHIGAN COMPILED LAWS.

1 (B) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
2 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
3 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
4 LAWS.

5 (C) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE, TOWN-
6 SHIP, OR COUNTY.

7 (D) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 33
8 OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.33
9 OF THE MICHIGAN COMPILED LAWS.

10 (E) "ORV" MEANS THAT TERM AS DEFINED IN SECTION 1 OF ACT
11 NO. 319 OF THE PUBLIC ACTS OF 1975, BEING SECTION 257.1601 OF THE
12 MICHIGAN COMPILED LAWS.

13 (F) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 6 OF ACT
14 NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTION 281.1006 OF THE
15 MICHIGAN COMPILED LAWS.