



Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

JAILS: PRISONER REIMBURSEMENT

House Bill 5087 (Substitute H-1)
First Analysis (12-21-93)

Sponsor: Rep. Sal Rocca
Committee: Corrections

THE APPARENT PROBLEM:

In 1984, the state enacted the Prisoner Reimbursement to the County Act, authorizing counties to collect reimbursement for the costs of incarceration from jail inmates who are serving sentences (as opposed to jail inmates who are in jail awaiting arraignment or trial). The act caps the amount that a county may seek from a jail inmate at \$30 per day or the actual per diem cost of maintaining that prisoner, whichever is less (a county may additionally collect the costs of collection and of investigating the financial status of the inmate or former inmate).

Macomb County runs what its jail administrator has said is the largest and most successful jail reimbursement program in Michigan. Since instituting the program in 1985, the county has collected about \$2.7 million from former inmates--money that goes into the county's general fund. However, the per diem costs of the Macomb County jail have been estimated at \$56, well above the current reimbursement limit of \$30.

In a related matter, the act bars a county from suing for reimbursement after six months have passed after the prisoner's release. This can pose a problem for counties: by the time initial collection efforts have failed, the deadline to bring a civil action may be looming. Or, an inmate may agree to a payment schedule, maintain payments for a while, but then default on payments after the six-month deadline had expired, leaving the county with little alternative in the way of enforcing the payment agreement.

To better enable counties such as Macomb to recoup jail costs, an increase in the per diem limit has been proposed. To improve the ability to collect, an extension in the deadline for bringing court action has been proposed.

THE CONTENT OF THE BILL:

The bill would amend the Prisoner Reimbursement to the County Act to:

** increase the limit on per diem reimbursement from \$30 to \$60 (although reimbursement in excess of actual per diem costs would continue to be forbidden);

** extend the period of time during which a county can sue a former inmate for reimbursement from six months after release to 18 months after release.

MCL 801.83 and 801.87

FISCAL IMPLICATIONS:

There is no fiscal information at present. (12-20-93)

ARGUMENTS:

For:

Jail prisoners who have the means to pay the costs of their upkeep should not be allowed to be a drain on taxpayers and spend their time in jail at taxpayer expense. This is the idea underlying the jail reimbursement act. However, the current cap on reimbursable per diem costs is less than the costs of incarceration in some counties. By increasing the limit on per diem reimbursements that counties may seek from former inmates, the bill would enable the basic aim of the law to be carried out. The bill would further improve the act by extending the period of time that a county has in which to sue a former inmate for reimbursement, thus giving counties more time to make use of conventional collection efforts before resorting to costly court action.

POSITIONS:

The Michigan Association of Counties supports the bill. (12-16-92)

The Michigan Sheriffs Association supports the bill. (12-20-93)