



SENATE BILL No. 271

January 28, 1993, Introduced by Senator BOUCHARD 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:

CHAPTER IX

5
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), (3), (4), OR (5) OF THE
6 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
7 BEING SECTION 257.625 OF THE MICHIGAN COMPILED LAWS, OR OF A
8 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR
9 (3) OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949.

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

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

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

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

26 (F) A VIOLATION OF SECTION 73 OR 73B OF THE MARINE SAFETY
27 ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTIONS

1 281.1073 AND 281.1073B OF THE MICHIGAN COMPILED LAWS, IF THE
2 PERSON OPERATED, PROPELLED, OR WAS IN PHYSICAL CONTROL OF THE
3 VESSEL.

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

7 (2) THE EXPENSES FOR WHICH REIMBURSEMENT MAY BE ORDERED
8 UNDER THIS SECTION INCLUDE, BUT ARE NOT LIMITED TO, THE
9 FOLLOWING:

10 (A) THE SALARIES OR WAGES, INCLUDING, BUT NOT LIMITED TO,
11 OVERTIME PAY, OF LAW ENFORCEMENT PERSONNEL FOR TIME SPENT
12 RESPONDING TO THE INCIDENT FROM WHICH THE CONVICTION AROSE,
13 ARRESTING THE PERSON CONVICTED, PROCESSING THE PERSON AFTER THE
14 ARREST, PREPARING REPORTS ON THE INCIDENT, INVESTIGATING THE
15 INCIDENT, AND COLLECTING AND ANALYZING EVIDENCE, INCLUDING, BUT
16 NOT LIMITED TO, DETERMINING BLOOD ALCOHOL CONTENT AND DETERMINING
17 THE PRESENCE OF AND IDENTIFYING CONTROLLED SUBSTANCES IN THE
18 BLOOD.

19 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING,
20 BUT NOT LIMITED TO, OVERTIME PAY, OF FIRE DEPARTMENT AND EMER-
21 GENCY MEDICAL SERVICE PERSONNEL, INCLUDING, BUT NOT LIMITED TO,
22 VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMERGENCY MEDICAL SERVICE
23 PERSONNEL, FOR TIME SPENT IN RESPONDING TO AND PROVIDING FIRE
24 FIGHTING, RESCUE, AND EMERGENCY MEDICAL SERVICES IN RELATION TO
25 THE INCIDENT FROM WHICH THE CONVICTION AROSE.

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

1 BUT NOT LIMITED TO, VOLUNTEER FIRE FIGHTERS OR VOLUNTEER
2 EMERGENCY MEDICAL SERVICE PERSONNEL, IN PROVIDING SERVICES IN
3 RELATION TO THE INCIDENT FROM WHICH THE CONVICTION AROSE.

4 (D) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING,
5 BUT NOT LIMITED TO, OVERTIME PAY, OF PROSECUTION PERSONNEL FOR
6 TIME SPENT IN INVESTIGATING OR PROSECUTING THE VIOLATIONS.

7 (E) THE COST OF MATERIALS, COMPUTER SERVICES, AND SIMILAR
8 EXPENSES INCURRED BY THE PROSECUTING AUTHORITY IN INVESTIGATING
9 OR PROSECUTING THE VIOLATION.

10 (3) IF POLICE, FIRE DEPARTMENT, EMERGENCY MEDICAL SERVICE
11 PERSONNEL, OR PROSECUTION PERSONNEL FROM MORE THAN 1 UNIT OF GOV-
12 ERNMENT INCURRED EXPENSES AS DESCRIBED IN SUBSECTION (2), THE
13 COURT MAY ORDER THE PERSON CONVICTED TO REIMBURSE EACH UNIT OF
14 GOVERNMENT FOR THE EXPENSES IT INCURRED.

15 (4) THE TOTAL AMOUNT ORDERED TO BE PAID UNDER THIS SECTION
16 SHALL NOT EXCEED \$1,000.00, UNLESS 1 OR MORE OF THE FOLLOWING
17 CIRCUMSTANCES EXIST:

18 (A) THE CONVICTION RESULTED FROM THE OPERATION OF AN
19 AIRCRAFT.

20 (B) THE CONVICTION RESULTED FROM THE OPERATION OF A LOCOMO-
21 TIVE ENGINE.

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

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

26 (5) THE AMOUNT ORDERED TO BE PAID UNDER THIS SECTION SHALL
27 BE PAID TO THE CLERK OF THE COURT, WHO SHALL TRANSMIT THE

1 APPROPRIATE AMOUNT TO THE UNIT OR UNITS OF GOVERNMENT NAMED IN
2 THE ORDER TO RECEIVE REIMBURSEMENT. IF NOT OTHERWISE PROVIDED BY
3 THE COURT UNDER THIS SUBSECTION, THE REIMBURSEMENT ORDERED UNDER
4 THIS SECTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE COURT MAY
5 REQUIRE THAT THE PERSON MAKE THE REIMBURSEMENT ORDERED UNDER THIS
6 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

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

18 (7) A DEFENDANT WHO IS REQUIRED TO PAY EXPENSES UNDER THIS
19 SECTION AND WHO IS NOT IN WILLFUL DEFAULT OF THE PAYMENT OF THE
20 EXPENSES, AT ANY TIME, MAY PETITION THE SENTENCING JUDGE OR HIS
21 OR HER SUCCESSOR FOR A CANCELLATION OF ANY UNPAID PORTION OF
22 THOSE EXPENSES. IF IT APPEARS TO THE SATISFACTION OF THE COURT
23 THAT PAYMENT OF THE AMOUNT DUE WILL IMPOSE A MANIFEST HARDSHIP ON
24 THE DEFENDANT OR HIS OR HER IMMEDIATE FAMILY, THE COURT MAY
25 CANCEL ALL OR PART OF THE AMOUNT DUE FOR REIMBURSEMENT OF
26 EXPENSES OR MODIFY THE METHOD OF PAYMENT.

1 (8) AN ORDER FOR REIMBURSEMENT UNDER THIS SECTION MAY BE
2 ENFORCED BY THE PROSECUTING ATTORNEY OR THE STATE OR LOCAL UNIT
3 OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE THE REIMBURSEMENT IN
4 THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

5 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
6 PERSON SHALL NOT BE IMPRISONED, JAILED, OR INCARCERATED FOR A
7 VIOLATION OF PAROLE OR PROBATION, OR OTHERWISE, FOR FAILURE TO
8 MAKE A REIMBURSEMENT AS ORDERED UNDER THIS SECTION UNLESS THE
9 COURT OR THE PAROLE BOARD DETERMINES THAT THE PERSON HAS THE
10 RESOURCES TO PAY THE ORDERED REIMBURSEMENT AND HAS NOT MADE A
11 GOOD FAITH EFFORT TO DO SO.

12 (10) AS USED IN THIS SECTION:

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

16 (B) "CONTROLLED SUBSTANCE" MEANS THAT TERM AS DEFINED IN
17 SECTION 7104 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
18 ACTS OF 1978, BEING SECTION 333.7104 OF THE MICHIGAN COMPILED
19 LAWS.

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

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

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

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