



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1021 (as enrolled)
Sponsor: Senator John J.H. Schwarz, M.D.
Committee: Local, Urban and State Affairs

Date Completed: 11-22-96

RATIONALE

The Prisoner Reimbursement to the County Act permits a county to seek reimbursement for expenses it incurred for housing and maintaining a person who was sentenced to a county jail. A county may obtain from each person who is or was a prisoner up to \$60 per day for expenses for maintaining that prisoner for the entire period of confinement, including the period of pretrial detention. Although county jails house persons who have been convicted and sentenced to serve time at a county jail, they also house persons who have been charged with a felony and are awaiting trial. If these persons are found guilty of committing a felony and are sentenced to a prison, they usually are moved from the county jail to a State correctional facility. Under the Act, counties are not able to obtain from convicted felons reimbursement for the cost of their pretrial detention. While many jail inmates are either poor or so burdened with financial obligations that they cannot practically be assessed the cost of their incarceration, others are sufficiently affluent to pay these expenses. Since the cost of maintaining jails is a major expenditure in many county budgets, some people feel that counties should be able to seek reimbursement of costs for the pretrial confinement of persons who subsequently are convicted of felonies.

CONTENT

The bill would amend the Prisoner Reimbursement to the County Act to permit a county to seek reimbursement for any expenses it incurred in relation to the charge for which a person was imprisoned as a pretrial detainee on a charge that resulted in a felony conviction.

Currently, a county may seek reimbursement for any expenses incurred by the county in relation to a charge or charges for which a person was sentenced to county jail. At the request of a county board of commissioners or the county executive, or his or her designee, the sheriff of the county must forward to the board, the county executive, or his or her designee, a list containing the name of each sentenced prisoner, the term of sentence, and the date of admission, together with information regarding the financial status of each prisoner, as required by the county board, county executive, or his or her designee. Under the bill, a county sheriff would have to provide this information as well as the name and period of pretrial detention of each pretrial detainee whose prosecution resulted in conviction for a felony.

Under the Act, within 12 months after the release from a county jail of a sentenced prisoner, an attorney for that county may file a civil action to seek reimbursement from that person for maintenance and support while he or she was a prisoner or for other expenses for which the county may be reimbursed under the Act. The bill would permit an attorney for a county also to file a civil action to seek reimbursement for the maintenance and support or other expenses for a pretrial detainee whose prosecution resulted in a felony conviction.

Currently, a civil action must be instituted in the name of the county in which the jail is located and must state certain information concerning the length of sentence, time served, and amounts due the county. Under the bill, in the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction for a felony, the

civil action would have to state the length of pretrial detention and the amount due to the county.

A county may file the civil action in circuit court or in district court. If the defendant is still a prisoner in the county jail, circuit court venue is proper in the county in which the jail is located. In a district of the first class, venue is proper in the county where the jail is located; in a second or third class district, venue is proper in the district where the jail is located. Under the bill, in a circuit or district court action, if the defendant were still a prisoner in a State correctional facility, venue would be proper in the county in which the correctional facility was located.

MCL 801.83 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Persons incarcerated in county jails either have been convicted and sentenced to serve time in a county jail or are awaiting trial on a misdemeanor or felony charge. For example, a person who was arrested may be lodged in a county jail for three months awaiting trial because he or she was not able to post bail. Currently, counties may seek reimbursement for expenses incurred by a county in relation to a charge for which a person was sentenced to a county jail, including any period of pretrial detention. Counties cannot seek reimbursement, however, from a person who was imprisoned as a pretrial detainee on a felony charge that resulted in a conviction. Thus, a county could seek reimbursement for pretrial and postconviction expenses from a first-time offender who had been sentenced to a county jail. A county, however, could not seek reimbursement for pretrial expenses from a repeat offender who had been convicted of a felony and sentenced to a State facility. The bill would permit counties to seek reimbursement from these detainees, which would help reduce the financial burden that counties must bear because of housing these persons.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The county fiscal impact would depend on the costs incurred for imprisoned pretrial detainees who received felony convictions, and the degree to which counties would be able to recoup these costs. This bill would have no State fiscal impact.

Fiscal Analyst: R. Ross

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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.