



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 1021 (as introduced 5-19-96)  
Sponsor: Senator John J.H. Schwarz, M.D.  
Committee: Local, Urban and State Affairs

Date Completed: 11-12-96

### **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.

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

S9596\S1021SA

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.