

Act No. 544
Public Acts of 1996
Approved by the Governor
January 15, 1997
Filed with the Secretary of State
January 15, 1997

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

**Introduced by Senators Schwarz, Gougeon, North, McManus, Stille, Steil, Shugars, Bouchard, DeBeaussaert,
Cisky, Hoffman, Gast and Conroy**

ENROLLED SENATE BILL No. 1021

AN ACT to amend the title and sections 3, 4, 7, 8, and 10 of Act No. 118 of the Public Acts of 1984, entitled as amended "An act regarding county jails and prisoners housed therein; to provide certain powers and duties of county officials; and to provide for the reimbursement of certain expenses incurred by counties in regard to prisoners sentenced to county jail," sections 3 and 7 as amended by Act No. 212 of the Public Acts of 1994, being sections 801.83, 801.84, 801.87, 801.88, and 801.90 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and sections 3, 4, 7, 8, and 10 of Act No. 118 of the Public Acts of 1984, sections 3 and 7 as amended by Act No. 212 of the Public Acts of 1994, being sections 801.83, 801.84, 801.87, 801.88, and 801.90 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act regarding county jails and prisoners housed therein; to provide certain powers and duties of county officials; and to provide for the reimbursement of certain expenses incurred by counties in regard to prisoners confined in county jails.

Sec. 3. (1) The county may seek reimbursement for any expenses incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail, or for which a person was imprisoned as a pretrial detainee on a charge or charges that resulted in conviction for a felony, as follows:

(a) From each person who is or was a prisoner, not more than \$60.00 per day for the expenses of maintaining that prisoner or the actual per diem cost of maintaining that prisoner, whichever is less, for the entire period of time the person was confined in the county jail, including any period of pretrial detention.

(b) To investigate the financial status of the person.

(c) Any other expenses incurred by the county in order to collect payments under this act.

(2) Before seeking any reimbursement under this act, the county shall develop a form to be used for determining the financial status of prisoners. The form shall provide for obtaining the age and marital status of a prisoner, number and ages of children of a prisoner, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The county shall use the form when investigating the financial status of prisoners.

Sec. 4. At, and in accordance with, the request of the county board of commissioners or of the county executive or a designee of the county executive, the sheriff of the county shall forward to the board, county executive, or designee of the county executive a list containing the name of each sentenced prisoner and each pretrial detainee whose prosecution resulted in conviction for a felony, the term of sentence or the period of pretrial detention, and the date of admission,

together with information regarding the financial status of each prisoner, as required by the county board of commissioners, the county executive, or designee of the county executive.

Sec. 7. (1) Within 12 months after the release from a county jail of a sentenced prisoner or a pretrial detainee whose prosecution resulted in conviction for a felony, an attorney for that county may file a civil action to seek reimbursement from that person for maintenance and support of that person while he or she is or was confined in the jail, or for any other expense for which the county may be reimbursed under section 3, as provided in this section and sections 8 to 10.

(2) A civil action brought under this act shall be instituted in the name of the county in which the jail is located and shall state the following, as applicable:

(a) In the case of a prisoner sentenced to the jail, the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the county pursuant to section 3.

(b) In the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction for a felony, the length of pretrial detention and the amount or amounts due to the county pursuant to section 3.

(3) Before entering any order on behalf of the county against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(4) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as a prisoner and for other expenses reimbursable under section 3.

Sec. 8. (1) Consistent with section 7, the county may file the civil action in the circuit court. If the defendant is still a prisoner in the county jail or is a prisoner in a state correctional facility, venue is proper in the county in which the jail or correctional facility is located.

(2) If necessary to protect the county's right to obtain reimbursement under this act against the disposition of known property, the county, in accordance with rules of the supreme court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the county for the maintenance and support of the defendant as a prisoner.

(3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

Sec. 10. Consistent with section 7, the county may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still a prisoner in the county jail, venue in a district of the first class is proper in the county where the county jail is located and in a district of the second or third class is proper in the district where the county jail is located. If the defendant is a prisoner in a state correctional facility, venue is proper in the county in which the state correctional facility is located.

This act did not receive immediate effect and will take effect 90 days after final adjournment of the Legislature.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.

