



SENATE BILL No. 1021

May 14, 1996, Introduced by Senators SCHWARZ, GOUGEON, NORTH, MC MANUS, STILLE, STEIL, SHUGARS and BOUCHARD and referred to the Committee on Local, Urban and State Affairs.

A bill 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 "The prisoner reimbursement to the county act," 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:

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

TITLE

1
2 An act regarding county jails and prisoners housed therein;
3 to provide certain powers and duties of county officials; and to
4 provide for the reimbursement of certain expenses incurred by
5 counties in regard to prisoners ~~sentenced to~~ CONFINED IN county
6 ~~jail~~ JAILS.

7 Sec. 3. (1) The county may seek reimbursement for any
8 expenses incurred by the county in relation to the charge or
9 charges for which a person was sentenced to a county jail, OR FOR
10 WHICH A PERSON WAS IMPRISONED AS A PRETRIAL DETAINEE ON A CHARGE
11 OR CHARGES THAT RESULTED IN CONVICTION FOR A FELONY, as follows:

12 (a) From each person who is or was a prisoner, not more than
13 \$60.00 per day for the expenses of maintaining that prisoner or
14 the actual per diem cost of maintaining that prisoner, whichever
15 is less, for the entire period of time the person was confined in
16 the county jail, including any period of pretrial detention.

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

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

20 (2) Before seeking any reimbursement under this act, the
21 county shall develop a form to be used for determining the finan-
22 cial status of prisoners. The form shall provide for obtaining
23 the age and marital status of a prisoner, number and ages of
24 children of a prisoner, number and ages of other dependents, type
25 and value of real estate, type and value of personal property,
26 cash and bank accounts, type and value of investments, pensions
27 and annuities, and any other personalty of significant cash

1 value. The county shall use the form when investigating the
2 financial status of prisoners.

3 Sec. 4. At, and in accordance with, the request of the
4 county board of commissioners or of the county executive or a
5 designee of the county executive, the sheriff of the county shall
6 forward to the board, county executive, or designee of the county
7 executive a list containing the name of each sentenced prisoner
8 AND EACH PRETRIAL DETAINEE WHOSE PROSECUTION RESULTED IN CONVIC-
9 TION FOR A FELONY, the term of sentence OR THE PERIOD OF PRETRIAL
10 DETENTION, and the date of admission, together with information
11 regarding the financial status of each prisoner, as required by
12 the county board of commissioners, the county executive, or des-
13 ignee of the county executive.

14 Sec. 7. (1) Within 12 months ~~of~~ AFTER the release FROM A
15 COUNTY JAIL of ~~a person as~~ a sentenced prisoner ~~from any~~
16 ~~county jail~~ OR A PRETRIAL DETAINEE WHOSE PROSECUTION RESULTED IN
17 CONVICTION FOR A FELONY, an attorney for that county may file a
18 civil action to seek reimbursement from that person for mainte-
19 nance and support of that person while he or she is or was ~~a~~
20 ~~prisoner~~ CONFINED IN THE JAIL, or for any other expense for
21 which the county may be reimbursed under section 3, as provided
22 in this section and sections 8 to 10.

23 (2) A civil action brought under this act shall be insti-
24 tuted in the name of the county in which the jail is located and
25 shall state the FOLLOWING, AS APPLICABLE:

26 (A) IN THE CASE OF A PRISONER SENTENCED TO THE JAIL, THE
27 date and place of sentence, the length of time set forth in the

1 sentence, the length of time actually served, and the amount or
2 amounts due to the county pursuant to section 3.

3 (B) IN THE CASE OF A PERSON IMPRISONED AS A PRETRIAL
4 DETAINEE ON A CHARGE OR CHARGES THAT RESULTED IN CONVICTION FOR A
5 FELONY, THE LENGTH OF PRETRIAL DETENTION AND THE AMOUNT OR
6 AMOUNTS DUE TO THE COUNTY PURSUANT TO SECTION 3.

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

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

17 Sec. 8. (1) Consistent with section 7, the county may file
18 the civil action in the circuit court. If the defendant is still
19 a prisoner in the county jail OR IS A PRISONER IN A STATE CORREC-
20 TIONAL FACILITY, venue is proper in the county in which the jail
21 OR CORRECTIONAL FACILITY is located.

22 (2) If necessary to protect the county's right to obtain
23 reimbursement under this act against the disposition of known
24 property, the county, in accordance with rules of the supreme
25 court of this state, may seek issuance of an ex parte restraining
26 order to restrain the defendant from disposing of the property
27 pending a hearing on an order to show cause why the particular

1 property should not be applied to reimbursement of the county for
2 the maintenance and support of the defendant as a prisoner.

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

5 Sec. 10. Consistent with section 7, the county may file the
6 civil action in the district court to recover a money judgment
7 and to enforce that judgment in the same manner as other money
8 judgments entered by the district court. If the defendant is
9 still a prisoner in the county jail, venue in a district of the
10 first class is proper in the county where the county jail is
11 located and in a district of the second or third class is proper
12 in the district where the county jail is located. IF THE
13 DEFENDANT IS A PRISONER IN A STATE CORRECTIONAL FACILITY, VENUE
14 IS PROPER IN THE COUNTY IN WHICH THE STATE CORRECTIONAL FACILITY
15 IS LOCATED.