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**SFA****BILL ANALYSIS**

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Senate Bill 269 (as introduced 3-4-97)  
Sponsor: Senator Michael J. Bouchard  
Committee: Judiciary

Date Completed: 2-13-98

### **CONTENT**

The bill would amend the Code of Criminal Procedure to allow a court to order a person convicted of certain alcohol- or drug-related driving offenses to reimburse the State or a local unit of government (a city, village, township, or county) for medical and personnel expenses of an emergency response to the incident out of which the conviction arose, and expenses incurred in relation to that incident and to the prosecution of the person. The bill would apply to offenses involving the operation of a motor vehicle, snowmobile, off-road vehicle (ORV), aircraft, vessel, or locomotive engine. The total amount a defendant was ordered to pay could not exceed \$500 unless the incident involved the operation of an aircraft or train, resulted in death to one or more persons or injury to three or more persons, or involved three or more motor vehicles, snowmobiles, ORVs, or vessels.

A reimbursement requirement could be imposed as part of a sentence for a person convicted of operating any of the types of vehicles to which the bill would apply while under the influence of liquor or a controlled substance, with an unlawful body alcohol content, or while visibly impaired due to the consumption of liquor or a controlled substance. In addition, reimbursement could be ordered for felonious driving, negligent homicide, or manslaughter, that resulted from the operation of a motor vehicle, snowmobile, ORV, aircraft, boat, or train while the operator was impaired by or under the influence of liquor or a controlled substance, or had an unlawful blood alcohol content.

The expenses for which reimbursement could be ordered include the salaries or wages, including overtime pay, of law enforcement personnel for time spent responding to and investigating the incident, arresting the person convicted, processing the person after the arrest, preparing reports on the incident, and collecting and analyzing evidence, including determining blood alcohol content and determining the presence of and identifying controlled substances in the blood. A reimbursement order also could cover the salaries and wages and other compensation of fire department and emergency medical service (EMS) personnel, including volunteer fire fighters or volunteer EMS personnel, for time spent responding to the incident and providing related services. In addition, a reimbursement order could cover the cost of medical supplies lost or used by fire department and EMS personnel, including volunteers, in providing services related to the incident.

If police, fire department, or EMS personnel from more than one unit of government incurred reimbursable expenses, the court could order the person convicted to reimburse each unit of government for its expenses.

The reimbursement would have to be paid to the clerk of the court, who would have to transmit the appropriate amount to the unit or units of government named in the reimbursement order. Unless

specified otherwise by the court, the reimbursement ordered under the bill would have to be made immediately. The court could require, however, that the person reimburse the costs within a specified period or in specified installments.

If the convicted person were placed on probation or paroled, any reimbursement that was ordered would have to be a condition of the probation or parole. If the person failed to comply with the reimbursement order, and had not made a good faith effort to do so, parole or probation could be revoked. When determining whether to revoke probation or parole, the court or parole board would have to consider the person's employment status, earning ability, number of dependents, and financial resources, the willfulness of the failure to pay, and other special circumstances that could have a bearing on his or her ability to pay. A person could not be imprisoned, jailed, or incarcerated for failure to make a reimbursement unless the court determined that he or she had the resources to pay and had not made a good faith effort to do so.

A reimbursement order could be enforced by the prosecuting attorney or the State or local unit of government named in the order to receive reimbursement, in the same manner as a judgment in a civil action.

Proposed MCL 769.1f

Legislative Analyst: S. Lowe

### **FISCAL IMPACT**

The bill would result in an indeterminate revenue increase to the State and local units of government. In 1996, there were approximately 49,500 arrests made in Michigan for driving under the influence of alcohol or drugs. In past years, about half of these involved accidents that required emergency response. The percentage breakdown of Michigan State Police involvement and local involvement is not known. If the State were involved in 15% of these accidents and the average accident and arrest required three hours (including time from initial contact, arrest, breath testing, and processing), the potential State revenue could be: 3,700 annual accidents x \$150/accident = \$555,000. The revenue impact on local units would vary depending on the type of emergency unit sent, local costs, and the number of accidents per year.

State courts would face minimal administrative costs under this bill as it relates to the collection and distribution of funds.

Fiscal Analyst: B. Baker

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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.