

**SUBSTITUTE FOR  
SENATE BILL NO. 269  
(As amended March 26, 1998)**

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
(MCL 760.1 to 776.22) by adding section 1f to chapter IX.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** CHAPTER IX

**2** SEC. 1F. (1) AS PART OF THE SENTENCE FOR A CONVICTION OF  
**3** ANY OF THE FOLLOWING OFFENSES, IN ADDITION TO ANY OTHER PENALTY  
**4** AUTHORIZED BY LAW, THE COURT MAY ORDER THE PERSON CONVICTED TO  
**5** REIMBURSE THE STATE OR A LOCAL UNIT OF GOVERNMENT FOR EXPENSES OF  
**6** AN EMERGENCY RESPONSE TO THE INCIDENT FROM WHICH THE CONVICTION  
**7** AROSE, AND OTHER EXPENSES INCURRED IN RELATION TO THAT INCIDENT  
**8** AND TO THE PROSECUTION OF THE PERSON, AS PROVIDED IN THIS  
**9** SECTION:

**10** (A) A VIOLATION OF SECTION 625(1), (3), (4), (5), OR (7) OR  
SECTION 625M OF  
**11** THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, OR OF A

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1 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR  
2 (3) OR SECTION 625M OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL  
3 257.625.  
4 (B) FELONIOUS DRIVING, NEGLIGENT HOMICIDE, MANSLAUGHTER, OR  
5 MURDER  
6 RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, SNOWMOBILE, ORV,  
7 AIRCRAFT, VESSEL, OR LOCOMOTIVE ENGINE WHILE THE PERSON WAS  
8 IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A  
9 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 7104 OF THE PUBLIC  
10 HEALTH CODE, 1978 PA 368, MCL 333.7104, OR A COMBINATION OF  
11 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD AN UNLAW-  
12 FUL BLOOD ALCOHOL CONTENT.

13 (C) A VIOLATION OF SECTION 82127 OF THE NATURAL RESOURCES  
14 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.82127.

15 (D) A VIOLATION OF SECTION 81134 OR 81135 OF THE NATURAL  
16 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
17 324.81134 AND 324.81135.

18 (E) A VIOLATION OF SECTION 185 OF THE AERONAUTICS CODE OF  
19 THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.185.

20 (F) A VIOLATION OF SECTION 80176(1), (3), (4), OR (5) OF THE  
21 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,  
22 MCL 324.80176, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING  
23 TO SECTION 80176(1) OR (3) OF THE NATURAL RESOURCES AND ENVIRON-  
24 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176.

25 (G) A VIOLATION OF SECTION 353 OR 355 OF THE RAILROAD CODE  
26 OF 1993, 1993 PA 354, MCL 462.353 AND 462.355.

(2) THE EXPENSES FOR WHICH REIMBURSEMENT MAY BE ORDERED  
UNDER THIS SECTION INCLUDE ALL OF THE FOLLOWING:

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1 (A) THE SALARIES OR WAGES, INCLUDING OVERTIME PAY, OF LAW  
2 ENFORCEMENT PERSONNEL FOR TIME SPENT RESPONDING TO THE INCIDENT  
3 FROM WHICH THE CONVICTION AROSE, ARRESTING THE PERSON CONVICTED,  
4 PROCESSING THE PERSON AFTER THE ARREST, PREPARING REPORTS ON THE  
5 INCIDENT, INVESTIGATING THE INCIDENT, AND COLLECTING AND ANALYZ-  
6 ING EVIDENCE, INCLUDING, BUT NOT LIMITED TO, DETERMINING BODILY  
7 ALCOHOL CONTENT AND DETERMINING THE PRESENCE OF AND IDENTIFYING  
8 CONTROLLED SUBSTANCES IN THE BLOOD, BREATH, OR URINE.

9 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING  
10 OVERTIME PAY, OF FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE  
11 PERSONNEL, INCLUDING VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMER-  
12 GENCY MEDICAL SERVICE PERSONNEL, FOR TIME SPENT IN RESPONDING TO  
13 AND PROVIDING FIRE FIGHTING, RESCUE, AND EMERGENCY MEDICAL SERV-  
14 ICES IN RELATION TO THE INCIDENT FROM WHICH THE CONVICTION  
15 AROSE.

16 (C) THE COST OF MEDICAL SUPPLIES LOST OR EXPENDED BY FIRE  
17 DEPARTMENT AND EMERGENCY MEDICAL SERVICE PERSONNEL, INCLUDING  
18 VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMERGENCY MEDICAL SERVICE  
19 PERSONNEL, IN PROVIDING SERVICES IN RELATION TO THE INCIDENT FROM  
20 WHICH THE CONVICTION AROSE.

21 (3) IF POLICE, FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE  
22 PERSONNEL FROM MORE THAN 1 UNIT OF GOVERNMENT INCURRED EXPENSES  
23 AS DESCRIBED IN SUBSECTION (2), THE COURT MAY ORDER THE PERSON  
24 CONVICTED TO REIMBURSE EACH UNIT OF GOVERNMENT FOR THE EXPENSES  
25 IT INCURRED.

26 (4) THE AMOUNT ORDERED TO BE PAID UNDER THIS SECTION SHALL  
27 BE PAID TO THE CLERK OF THE COURT, WHO SHALL TRANSMIT THE

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1 APPROPRIATE AMOUNT TO THE UNIT OR UNITS OF GOVERNMENT NAMED IN  
2 THE ORDER TO RECEIVE REIMBURSEMENT. IF NOT OTHERWISE PROVIDED BY  
3 THE COURT UNDER THIS SUBSECTION, THE REIMBURSEMENT ORDERED UNDER  
4 THIS SECTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE COURT MAY  
5 REQUIRE THAT THE PERSON MAKE THE REIMBURSEMENT ORDERED UNDER THIS  
6 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

7 (5) IF THE PERSON CONVICTED IS PLACED ON PROBATION OR  
8 PAROLED, ANY REIMBURSEMENT ORDERED UNDER THIS SECTION SHALL BE A  
9 CONDITION OF THAT PROBATION OR PAROLE. THE COURT MAY REVOKE PRO-  
10 BATION AND THE PAROLE BOARD MAY REVOKE PAROLE IF THE PERSON FAILS  
11 TO COMPLY WITH THE ORDER AND IF THE PERSON HAS NOT MADE A GOOD  
12 FAITH EFFORT TO COMPLY WITH THE ORDER. IN DETERMINING WHETHER TO  
13 REVOKE PROBATION OR PAROLE, THE COURT OR PAROLE BOARD SHALL CON-  
14 sider THE PERSON'S EMPLOYMENT STATUS, EARNING ABILITY, NUMBER OF  
15 DEPENDENTS, AND FINANCIAL RESOURCES, THE WILLFULNESS OF THE  
16 PERSON'S FAILURE TO PAY, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT  
17 MAY HAVE A BEARING ON THE PERSON'S ABILITY TO PAY.

18 (6) AN ORDER FOR REIMBURSEMENT UNDER THIS SECTION MAY BE  
19 ENFORCED BY THE PROSECUTING ATTORNEY OR THE STATE OR LOCAL UNIT  
20 OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE THE REIMBURSEMENT IN  
21 THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

22 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
23 PERSON SHALL NOT BE IMPRISONED, JAILED, OR INCARCERATED FOR A  
24 VIOLATION OF PAROLE OR PROBATION, OR OTHERWISE, FOR FAILURE TO  
25 MAKE A REIMBURSEMENT AS ORDERED UNDER THIS SECTION UNLESS THE  
26 COURT DETERMINES THAT THE PERSON HAS THE RESOURCES TO PAY THE

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1 ORDERED REIMBURSEMENT AND HAS NOT MADE A GOOD FAITH EFFORT TO DO  
2 SO.

3 (8) A LOCAL UNIT OF GOVERNMENT MAY ELECT TO BE REIMBURSED  
4 FOR EXPENSES UNDER THIS SECTION OR A LOCAL ORDINANCE, OR A  
5 COMBINATION OF THIS SECTION AND A LOCAL ORDINANCE. THIS SUBSECTION  
6 DOES NOT ALLOW A LOCAL UNIT OF GOVERNMENT TO BE FULLY REIMBURSED  
7 MORE THAN ONCE FOR ANY EXPENSE INCURRED BY THAT LOCAL UNIT OF  
8 GOVERNMENT.

9 (9) AS USED IN THIS SECTION:

10 (A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 4 OF  
11 THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL  
12 259.4.

13 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE, TOWN-  
14 SHIP, OR COUNTY.

15 (C) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 33  
16 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.33.

17 (D) "ORV" MEANS THAT TERM AS DEFINED IN SECTION 81101 OF THE  
18 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,  
19 MCL 324.81101.

20 (E) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 80108 OF  
21 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
22 451, MCL 324.80108.

23 Enacting section 1. This amendatory act takes effect 9 months  
24 after the date of its enactment.

25 Enacting section 2. This amendatory act does not take  
26 effect unless all of the following bills of the 89th Legislature  
are enacted into law:

(a) Senate Bill No. 268.

(b) Senate Bill No. 271.

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1 (c) Senate Bill No. 625.

2 (d) Senate Bill No. 626.

3 (e) Senate Bill No. 627.

4 (f) Senate Bill No. 870.

5 (g) Senate Bill No. 953.

6 (h) Senate Bill No. 989.

7 (i) Senate Bill No. 990.

8 (j) Senate Bill No. 991.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]