

Act No. 450
Public Acts of 1998
Approved by the Governor
December 29, 1998
Filed with the Secretary of State
December 30, 1998
EFFECTIVE DATE: August 1, 1999

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Walberg, McBryde, Brewer, Oxender, Gernaat, Horton, Tesanovich, DeHart, Bodem, Geiger, Raczkowski, Green, Cropsey, Goschka, Nye, Jellema, Voorhees, DeVuyst and Llewellyn

ENROLLED HOUSE BILL No. 4365

AN ACT to amend 1984 PA 118, entitled "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," by amending sections 3 and 5 (MCL 801.83 and 801.85), section 3 as amended by 1994 PA 212.

The People of the State of Michigan enact:

Sec. 3. (1) The county may seek reimbursement for any expenses incurred by the county in relation to a charge for which a person was sentenced to a county jail 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 to collect payments under this act.

(2) Reimbursement under this act may be ordered as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.

(3) 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. 5. (1) A prisoner in a county jail shall cooperate with the county in seeking reimbursement under this act for expenses incurred by the county for that prisoner.

(2) A prisoner who willfully refuses to cooperate as provided in subsection (1) shall not receive a reduction in his or her term under section 7 of 1962 PA 60, MCL 801.257. If a prisoner is ordered to reimburse the county under this act as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, the prisoner is in addition subject to probation revocation as provided in section 4 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.4.

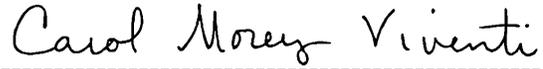
Enacting section 1. This amendatory act does not take effect unless House Bill No. 4364 of the 89th Legislature is enacted into law.

Enacting section 2. This amendatory act takes effect August 1, 1999.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.