

SUBSTITUTE FOR  
SENATE BILL NO. 635

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 1f of chapter IX (MCL 769.1f), as added by  
1998 PA 345.

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  
6 incurred in relation to that incident including but not limited  
7 to expenses for an emergency response and expenses for prosecut-  
8 ing the person, as provided in this section:

9 (a) A violation of section 625(1), (3), (4), (5), (6), or  
10 (7) or section 625m of the Michigan vehicle code, 1949 PA 300,

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1 MCL 257.625 and 257.625m, or of a local ordinance substantially  
2 corresponding to section 625(1), (3), or (6) or section 625m of  
3 the Michigan vehicle code, 1949 PA 300, MCL 257.625 and  
4 257.625m.

5 (b) Felonious driving, negligent homicide, manslaughter, or  
6 murder resulting from the operation of a motor vehicle, snowmo-  
7 bile, ORV, aircraft, vessel, or locomotive engine while the  
8 person was impaired by or under the influence of intoxicating  
9 liquor or a controlled substance, as defined in section 7104 of  
10 the public health code, 1978 PA 368, MCL 333.7104, or a combina-  
11 tion of intoxicating liquor and a controlled substance, or had an  
12 unlawful 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,  
17 MCL 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.

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1 (H) A VIOLATION OF SECTION 411A(2) OF THE MICHIGAN PENAL  
2 CODE, 1931 PA 328, MCL 750.411A.

3 (2) The expenses for which reimbursement may be ordered  
4 under this section include all of the following:

5 (a) The salaries or wages, including overtime pay, of law  
6 enforcement personnel for time spent responding to the incident  
7 from which the conviction arose, arresting the person convicted,  
8 processing the person after the arrest, preparing reports on the  
9 incident, investigating the incident, and collecting and analyz-  
10 ing evidence, including, but not limited to, determining bodily  
11 alcohol content and determining the presence of and identifying  
12 controlled substances in the blood, breath, or urine.

13 (b) The salaries, wages, or other compensation, including  
14 overtime pay, of fire department and emergency medical service  
15 personnel, including volunteer fire fighters or volunteer emer-  
16 gency medical service personnel, for time spent in responding to  
17 and providing fire fighting, rescue, and emergency medical serv-  
18 ices in relation to the incident from which the conviction  
19 arose.

20 (c) The cost of medical supplies lost or expended by fire  
21 department and emergency medical service personnel, including  
22 volunteer fire fighters or volunteer emergency medical service  
23 personnel, in providing services in relation to the incident from  
24 which the conviction arose.

25 (D) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING,  
26 BUT NOT LIMITED TO, OVERTIME PAY OF PROSECUTION PERSONNEL FOR

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1 TIME SPENT INVESTIGATING AND PROSECUTING THE CRIME OR CRIMES  
2 RESULTING IN CONVICTION.

3       (3) If police, fire department, or emergency medical service  
4 personnel from more than 1 unit of government incurred expenses  
5 as described in subsection (2), the court may order the person  
6 convicted to reimburse each unit of government for the expenses  
7 it incurred.

8       (4) The amount ordered to be paid under this section shall  
9 be paid to the clerk of the court, who shall transmit the appro-  
10 priate amount to the unit or units of government named in the  
11 order to receive reimbursement. If not otherwise provided by the  
12 court under this subsection, the reimbursement ordered under this  
13 section shall be made immediately. However, the court may  
14 require that the person make the reimbursement ordered under this  
15 section within a specified period or in specified installments.

16       (5) If the person convicted is placed on probation or  
17 paroled, any reimbursement ordered under this section shall be a  
18 condition of that probation or parole. The court may revoke pro-  
19 bation and the parole board may revoke parole if the person fails  
20 to comply with the order and if the person has not made a good  
21 faith effort to comply with the order. In determining whether to  
22 revoke probation or parole, the court or parole board shall con-  
23 sider the person's employment status, earning ability, number of  
24 dependents, and financial resources, the willfulness of the  
25 person's failure to pay, and any other special circumstances that  
26 may have a bearing on the person's ability to pay.

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1 (6) An order for reimbursement under this section may be  
2 enforced by the prosecuting attorney or the state or local unit  
3 of government named in the order to receive the reimbursement in  
4 the same manner as a judgment in a civil action.

5 (7) Notwithstanding any other provision of this section, a  
6 person shall not be imprisoned, jailed, or incarcerated for a  
7 violation of parole or probation, or otherwise, for failure to  
8 make a reimbursement as ordered under this section unless the  
9 court determines that the person has the resources to pay the  
10 ordered reimbursement and has not made a good faith effort to do  
11 so.

12 (8) A local unit of government may elect to be reimbursed  
13 for expenses under this section or a local ordinance, or a combi-  
14 nation of this section and a local ordinance. This subsection  
15 does not allow a local unit of government to be fully reimbursed  
16 more than once for any expense incurred by that local unit of  
17 government.

18 (9) As used in this section:

19 (a) "Aircraft" means that term as defined in section 4 of  
20 the aeronautics code of the state of Michigan, 1945 PA 327,  
21 MCL 259.4.

22 (b) "Local unit of government" means ~~a city, village, town-~~  
23 ~~ship, or county.~~ ANY OF THE FOLLOWING:

- (i) A CITY, VILLAGE, TOWNSHIP, OR COUNTY.
- (ii) A LOCAL OR INTERMEDIATE SCHOOL DISTRICT.
- (iii) A PUBLIC SCHOOL ACADEMY.
- (iv) A COMMUNITY COLLEGE.

24 (c) "Motor vehicle" means that term as defined in section 33  
25 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

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1 (d) "ORV" means that term as defined in section 81101 of the  
2 natural resources and environmental protection act, 1994 PA 451,  
3 MCL 324.81101.

4 (e) "Snowmobile" means that term as defined in section 82101  
5 of the natural resources and environmental protection act, 1994  
6 PA 451, MCL 324.82101.

(F) "STATE" INCLUDES A STATE INSTITUTION OF HIGHER EDUCATION.

7 (G)(f) "Vessel" means that term as defined in section ~~80108~~  
8 80104 of the natural resources and environmental protection act,  
9 1994 PA 451, MCL ~~324.80108~~ 324.80104.

10 Enacting section 1. This amendatory act takes effect 90  
11 days after the date this amendatory act is enacted.