

Criminal procedure; sentencing; reimbursement of certain costs to state or local units of government; allow courts to order as part of sentence for certain bomb threat-related offenses.

CRIMINAL PROCEDURE: Sentencing; CRIMES: Other; CRIMES: Explosives; CRIMES: Public safety

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:

CHAPTER IX

1

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, 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.

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 (3) If police, fire department, or emergency medical service
26 personnel from more than 1 unit of government incurred expenses
27 as described in subsection (2), the court may order the person

1 convicted to reimburse each unit of government for the expenses
2 it incurred.

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

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

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

26 (7) Notwithstanding any other provision of this section, a
27 person shall not be imprisoned, jailed, or incarcerated for a

1 violation of parole or probation, or otherwise, for failure to
2 make a reimbursement as ordered under this section unless the
3 court determines that the person has the resources to pay the
4 ordered reimbursement and has not made a good faith effort to do
5 so.

6 (8) A local unit of government may elect to be reimbursed
7 for expenses under this section or a local ordinance, or a combi-
8 nation of this section and a local ordinance. This subsection
9 does not allow a local unit of government to be fully reimbursed
10 more than once for any expense incurred by that local unit of
11 government.

12 (9) As used in this section:

13 (a) "Aircraft" means that term as defined in section 4 of
14 the aeronautics code of the state of Michigan, 1945 PA 327, MCL
15 259.4.

16 (b) "Local unit of government" means a city, village, town-
17 ship, or county.

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

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

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

1 (f) "Vessel" means that term as defined in section ~~80108~~
2 80104 of the natural resources and environmental protection act,
3 1994 PA 451, MCL ~~324.80108~~ 324.80104.