

**SUBSTITUTE FOR
HOUSE BILL NO. 5978**

A bill to amend 1846 RS 171, entitled
"Of county jails and the regulation thereof,"
(MCL 801.1 to 801.27) by adding section 4b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 4B. (1) BEGINNING JANUARY 1, 2003, EACH PERSON WHO IS
2 INCARCERATED IN THE COUNTY JAIL SHALL PAY A FEE OF \$12.00 TO THE
3 COUNTY SHERIFF WHEN THE PERSON IS ADMITTED INTO THE JAIL.
4 (2) THE COUNTY SHERIFF MAY COLLECT A FEE OWED UNDER THIS
5 SECTION BY WITHDRAWING THAT AMOUNT FROM ANY INMATE ACCOUNT MAIN-
6 TAINED BY THE SHERIFF FOR THAT INMATE.
7 (3) EXCEPT AS PROVIDED IN SUBSECTIONS (4) AND (5), THE SHER-
8 IFF, ONCE EACH CALENDAR QUARTER, SHALL FORWARD ALL FEES COLLECTED
9 UNDER THIS SECTION TO THE LOCAL CORRECTIONS OFFICERS TRAINING
10 FUND CREATED IN THE LOCAL CORRECTIONS OFFICERS TRAINING ACT.

HB5978, As Passed House, December 5, 2002

Sub. HB 5978 (H-2) as amended December 5, 2002 2

1 (4) THE REVENUE DERIVED FROM FEES COLLECTED UNDER THIS
2 SECTION SHALL BE DIRECTED IN THE MANNER PROVIDED IN SUBSECTION
3 (5) IN A COUNTY THAT MEETS EITHER OF THE FOLLOWING CRITERIA:

4 (A) THE SHERIFF'S OFFICE OF THE COUNTY REQUIRES LOCAL COR-
5 RECTIONS OFFICERS TO COMPLETE AT LEAST 160 HOURS OF TRAINING AS
6 RECOMMENDED BY THE STATE DEPARTMENT OF CORRECTIONS.

7 (B) THE SHERIFFS COORDINATING AND TRAINING COUNCIL HAS CER-
8 TIFIED THAT THE COUNTY'S STANDARDS AND REQUIREMENTS FOR THE
9 TRAINING OF LOCAL CORRECTIONS OFFICERS EQUALS OR EXCEEDS THE
10 STANDARDS AND REQUIREMENTS APPROVED BY THE SHERIFFS COORDINATING
11 AND TRAINING COUNCIL UNDER THE LOCAL CORRECTIONS OFFICERS TRAIN-
12 ING ACT.

13 (5) IN A COUNTY THAT MEETS EITHER OF THE CRITERIA IN SUBSEC-
14 TION [(4)], BOTH OF THE FOLLOWING APPLY:

15 (A) ONCE EACH CALENDAR QUARTER, THE SHERIFF SHALL FORWARD
16 \$2.00 OF EACH FEE COLLECTED TO THE STATE TREASURER FOR DEPOSIT IN
17 THE LOCAL CORRECTIONS OFFICERS TRAINING FUND CREATED IN THE LOCAL
18 CORRECTIONS OFFICERS TRAINING ACT.

19 (B) THE REMAINING \$10.00 OF EACH FEE SHALL BE RETAINED IN
20 THAT COUNTY, TO BE USED ONLY FOR COSTS RELATING TO THE CONTINUING
21 EDUCATION, CERTIFICATION, RECERTIFICATION, AND TRAINING OF LOCAL
22 CORRECTIONS OFFICERS AND INMATE PROGRAMS INCLUDING SUBSTANCE
23 ABUSE AND MENTAL HEALTH PROGRAMS IN THAT COUNTY. HOWEVER, REVE-
24 NUE FROM THE FEES SHALL NOT BE USED TO SUPPLANT CURRENT SPENDING
25 BY THE COUNTY FOR CONTINUING EDUCATION, CERTIFICATION, RECERTIFI-
26 CATION, AND TRAINING OF LOCAL CORRECTIONS OFFICERS.

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1 (6) AN INMATE WHO FAILS TO PAY A FEE OWED UNDER THIS SECTION
2 BEFORE BEING DISCHARGED FROM THE JAIL IS LIABLE FOR A CIVIL FINE
3 OF \$100.00. AN APPEARANCE TICKET MAY BE ISSUED TO A PERSON WHO
4 FAILS TO PAY A FEE OWED UNDER THIS SECTION. THE APPEARANCE
5 TICKET MAY BE ISSUED BY THE SHERIFF OR A DEPUTY SHERIFF. THE
6 COUNTY PROSECUTOR FOR THE COUNTY IN WHICH THE JAIL IS LOCATED IS
7 RESPONSIBLE FOR ENFORCING THE CIVIL VIOLATION. A CIVIL FINE COL-
8 LECTED UNDER THIS SECTION SHALL BE PAID TO THE COUNTY TREASURER.
9 ONCE EACH CALENDAR QUARTER, THE COUNTY TREASURER SHALL FORWARD
10 ALL CIVIL FINES COLLECTED UNDER THIS SECTION TO THE LOCAL CORREC-
11 TIONS OFFICERS TRAINING FUND CREATED IN THE LOCAL CORRECTIONS
12 OFFICERS TRAINING ACT.

13 (7) A PERSON WHO IS INCARCERATED IN A JAIL PENDING TRIAL OR
14 ARRAIGNMENT IS ENTITLED TO A FULL REFUND OF THE FEE PAID UNDER
15 THIS SECTION IF THE PROSECUTION AGAINST HIM OR HER IS TERMINATED
16 FOR ANY REASON OR IF HE OR SHE IS FOUND NOT GUILTY OF THE
17 CHARGES. EACH PERSON REQUIRED TO PAY A FEE UNDER THIS SECTION
18 SHALL BE GIVEN A WRITTEN FORM EXPLAINING THE CIRCUMSTANCES UNDER
19 WHICH HE OR SHE MAY REQUEST A REFUND UNDER THIS SUBSECTION. THE
20 FORM SHALL BE AS PRESCRIBED IN SECTION 15 OF THE LOCAL CORREC-
21 TIONS OFFICERS TRAINING ACT.

22 Enacting section 1. This amendatory act does not take
23 effect unless House Bill No. 5977 of the 91st Legislature is
24 enacted into law.