

REPRINT
SUBSTITUTE FOR
SENATE BILL NO. 949

(As passed the Senate February 6, 2002)

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1f of chapter IX (MCL 769.1f), as amended by
2001 PA 208.

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 or attempted violation of section 625(1),
10 (3), (4), (5), (6), or (7) or section 625m of the Michigan

SB0949, As Passed House, March 21, 2002

Senate Bill No. 949

2

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

5 (b) Felonious driving, negligent homicide, manslaughter, or
6 murder, or attempted felonious driving, negligent homicide, man-
7 slaughter, or murder, resulting from the operation of a motor
8 vehicle, snowmobile, ORV, aircraft, vessel, or locomotive engine
9 while the person was impaired by or under the influence of intox-
10 icating liquor or a controlled substance, as defined in section
11 7104 of the public health code, 1978 PA 368, MCL 333.7104, or a
12 combination of intoxicating liquor and a controlled substance, or
13 had an unlawful blood alcohol content.

14 (c) A violation or attempted violation of section 82127 of
15 the natural resources and environmental protection act, 1994
16 PA 451, MCL 324.82127.

17 (d) A violation or attempted violation of section 81134 or
18 81135 of the natural resources and environmental protection act,
19 1994 PA 451, MCL 324.81134 and 324.81135.

20 (e) A violation or attempted violation of section 185 of the
21 aeronautics code of the state of Michigan, 1945 PA 327,
22 MCL 259.185.

23 (f) A violation or attempted violation of section 80176(1),
24 (3), (4), or (5) of the natural resources and environmental pro-
25 tection act, 1994 PA 451, MCL 324.80176, or a local ordinance
26 substantially corresponding to section 80176(1) or (3) of the

SB0949, As Passed House, March 21, 2002

Senate Bill No. 949

3

1 natural resources and environmental protection act, 1994 PA 451,
2 MCL 324.80176.

3 (g) A violation or attempted violation of section 353 or 355
4 of the railroad code of 1993, 1993 PA 354, MCL 462.353 and
5 462.355.

6 (h) A violation or attempted violation of ~~chapter XXXIII~~
7 ~~or~~ section ~~327, 327a, 328, or~~ 411a(2) of the Michigan penal
8 code, 1931 PA 328, MCL ~~750.200 to 750.212a, 750.327, 750.327a,~~
9 ~~750.328, and~~ 750.411a.

10 (i) A finding of guilt for criminal contempt for a violation
11 of a personal protection order issued under section 2950 or 2950a
12 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
13 and 600.2950a, or for a violation of a foreign protection order
14 that satisfies the conditions for validity provided in section
15 2950i of the revised judicature act of 1961, 1961 PA 236,
16 MCL 600.2950i.

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

19 (a) The salaries or wages, including overtime pay, of law
20 enforcement personnel for time spent responding to the incident
21 from which the conviction arose, arresting the person convicted,
22 processing the person after the arrest, preparing reports on the
23 incident, investigating the incident, and collecting and analyz-
24 ing evidence, including, but not limited to, determining bodily
25 alcohol content and determining the presence of and identifying
26 controlled substances in the blood, breath, or urine.

1 (b) The salaries, wages, or other compensation, including
2 overtime pay, of fire department and emergency medical service
3 personnel, including volunteer fire fighters or volunteer emer-
4 gency medical service personnel, for time spent in responding to
5 and providing fire fighting, rescue, and emergency medical serv-
6 ices in relation to the incident from which the conviction
7 arose.

8 (c) The cost of medical supplies lost or expended by fire
9 department and emergency medical service personnel, including
10 volunteer fire fighters or volunteer emergency medical service
11 personnel, in providing services in relation to the incident from
12 which the conviction arose.

13 (d) The salaries, wages, or other compensation, including,
14 but not limited to, overtime pay of prosecution personnel for
15 time spent investigating and prosecuting the crime or crimes
16 resulting in conviction.

(E) THE COST OF EXTRADITING A PERSON FROM ANOTHER STATE TO THIS
STATE INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

(i) TRANSPORTATION COSTS.

(ii) THE SALARIES OR WAGES OF LAW ENFORCEMENT AND PROSECUTION
PERSONNEL, INCLUDING OVERTIME PAY, FOR PROCESSING THE EXTRADITION AND
RETURNING THE PERSON TO THIS STATE.

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

22 (4) The amount ordered to be paid under this section shall
23 be paid to the clerk of the court, who shall transmit the appro-
24 priate amount to the unit or units of government named in the
25 order to receive reimbursement. If not otherwise provided by the
26 court under this subsection, the reimbursement ordered under this

SB0949, As Passed House, March 21, 2002

27 section shall be made immediately. However, the court may
S05847'01 * (S-1) R-1

SB0949, As Passed House, March 21, 2002

Senate Bill No. 949

5

1 require that the person make the reimbursement ordered under this
2 section within a specified period or in specified installments.

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

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

18 (7) Notwithstanding any other provision of this section, a
19 person shall not be imprisoned, jailed, or incarcerated for a
20 violation of parole or probation, or otherwise, for failure to
21 make a reimbursement as ordered under this section unless the
22 court determines that the person has the resources to pay the
23 ordered reimbursement and has not made a good faith effort to do
24 so.

25 (8) A local unit of government may elect to be reimbursed
26 for expenses under this section or a local ordinance, or a
27 combination of this section and a local ordinance. This

SB0949, As Passed House, March 21, 2002

Senate Bill No. 949

6

1 subsection does not allow a local unit of government to be fully
2 reimbursed more than once for any expense incurred by that local
3 unit of government.

4 (9) AS PART OF THE SENTENCE FOR A CONVICTION OF ANY VIOLA-
5 TION OR ATTEMPTED VIOLATION OF CHAPTER XXXIII, SECTION 327, 327A,
6 328, OR 436, OR CHAPTER LXXXIII-A OF THE MICHIGAN PENAL CODE,
7 1931 PA 328, MCL 750.200 TO 750.212A, 750.327, 750.327A, 750.328,
8 AND 750.436, AND 750.543A TO 750.543Z, IN ADDITION TO ANY OTHER
9 PENALTY AUTHORIZED BY LAW, THE COURT SHALL ORDER THE PERSON CON-
10 VICTED TO REIMBURSE ANY GOVERNMENT ENTITY FOR EXPENSES INCURRED
11 IN RELATION TO THAT INCIDENT INCLUDING, BUT NOT LIMITED TO,
12 EXPENSES FOR AN EMERGENCY RESPONSE AND EXPENSES FOR PROSECUTING
13 THE PERSON, AS PROVIDED IN SUBSECTIONS (2) TO (8). AS USED IN
14 THIS SUBSECTION, "GOVERNMENT ENTITY" MEANS THIS STATE, A LOCAL
15 UNIT OF GOVERNMENT, OR THE UNITED STATES GOVERNMENT.

16 (10) ~~(9)~~ As used in this section:

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

20 (b) "Local unit of government" means any of the following:

21 (i) A city, village, township, or county.

22 (ii) A local or intermediate school district.

23 (iii) A public school academy.

24 (iv) A community college.

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

SB0949, As Passed House, March 21, 2002

Sub. SB 949 (S-1) as amended March 7 and 21, 2002

7

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.

7 (f) "State" includes a state institution of higher
8 education.

9 (g) "Vessel" means that term as defined in section 80104 of
10 the natural resources and environmental protection act, 1994
11 PA 451, MCL 324.80104.

[Enacting section 1. This amendatory act takes effect April 22,
2002.]

12 Enacting section [2]. This amendatory act does not take
13 effect unless Senate Bill No. 930 of the 91st Legislature is
14 enacted into law.