

HOUSE BILL No. 4123

January 31, 2001, Introduced by Reps. Basham, Schermesser and Lemmons and referred to the Committee on Criminal Justice.

A bill to amend 1982 PA 14, entitled

"An act to provide for the reimbursement of expenses incurred by cities in providing medical supplies for or medical treatment or attendance of prisoners in city jails; and to provide civil fines for a violation of this act,"

(MCL 801.301) by amending the title and by adding section 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for the reimbursement of CERTAIN expenses incurred by cities in ~~providing medical supplies for or medical treatment or attendance~~ THE INCARCERATION of prisoners in city jails; and to provide FOR civil fines. ~~for a violation of this act.~~

SEC. 2. (1) A CITY MAY FILE A CIVIL ACTION TO SEEK REIMBURSEMENT FROM A PERSON FOR THE MAINTENANCE AND SUPPORT OF THAT PERSON WHILE HE OR SHE IS OR WAS SERVING A TERM OF IMPRISONMENT

1 IN THE CITY'S JAIL OR WHILE HE OR SHE IS OR WAS INCARCERATED IN
2 THE CITY'S JAIL AS A PRETRIAL DETAINEE ON A CHARGE OR CHARGES
3 THAT RESULTED IN CONVICTION FOR A CRIME.

4 (2) BEFORE FILING AN ACTION UNDER THIS SECTION, THE CITY
5 SHALL TAKE INTO CONSIDERATION ALL OF THE FACTORS LISTED IN SUB-
6 SECTION (4) REGARDING THE PERSON'S LEGAL AND MORAL OBLIGATIONS TO
7 PROVIDE SUPPORT.

8 (3) A CIVIL ACTION BROUGHT UNDER THIS SECTION SHALL BE
9 INSTITUTED IN THE NAME OF THE CITY IN WHICH THE JAIL IS LOCATED
10 AND SHALL STATE THE DATE, PLACE, THE LENGTH OF TIME THE PERSON
11 WAS INCARCERATED, THE REASON FOR THE PERSON'S INCARCERATION, AND
12 THE AMOUNT DUE TO THE CITY UNDER THIS SECTION.

13 (4) BEFORE ENTERING ANY ORDER ON BEHALF OF THE CITY AGAINST
14 THE PERSON, THE COURT SHALL TAKE INTO CONSIDERATION ANY LEGAL
15 OBLIGATION OF THE PERSON TO SUPPORT A SPOUSE, MINOR CHILDREN, OR
16 OTHER DEPENDENTS AND ANY MORAL OBLIGATION TO SUPPORT DEPENDENTS
17 TO WHOM THE PERSON IS PROVIDING OR HAS PROVIDED SUPPORT.

18 (5) THE COURT MAY ENTER A MONEY JUDGMENT AGAINST THE PERSON
19 AND MAY ORDER THAT THE PERSON'S PROPERTY IS SUBJECT TO ATTACHMENT
20 FOR REIMBURSEMENT OF EXPENSES REIMBURSABLE UNDER THIS SECTION.