

HOUSE BILL No. 5500

December 12, 2001, Introduced by Reps. Plakas, Koetje, Toy, Julian, Bishop, Caul, Gosselin, Gilbert, Faunce, Meyer, Mead, Van Woerkom, Woronchak, Drolet, Hummel, Newell, Birkholz, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Kuipers, McConico, Richardville, Lockwood, Ehardt, Jelinek, Rocca, Neumann, Bernero, Sheltroun, DeVuyst, Callahan, Hager, Kowall, Pumford, Zelenko, Frank, Jacobs, Allen, Pestka, Basham, Shulman, Shackleton, Raczkowski, Phillips, Bisbee, George, Lipsey, Whitmer, Cassis and Pappageorge and referred to the Committee on Criminal Justice.

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
2000 PA 372.

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

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

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

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

20 (b) The salaries, wages, or other compensation, including
21 overtime pay, of fire department and emergency medical service
22 personnel, including volunteer fire fighters or volunteer emer-
23 gency medical service personnel, for time spent in responding to
24 and providing fire fighting, rescue, and emergency medical serv-
25 ices in relation to the incident from which the conviction
26 arose.

1 (c) The cost of medical supplies lost or expended by fire
2 department and emergency medical service personnel, including
3 volunteer fire fighters or volunteer emergency medical service
4 personnel, in providing services in relation to the incident from
5 which the conviction arose.

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

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

15 (4) The amount ordered to be paid under this section shall
16 be paid to the clerk of the court, who shall transmit the appro-
17 priate amount to the unit or units of government named in the
18 order to receive reimbursement. If not otherwise provided by the
19 court under this subsection, the reimbursement ordered under this
20 section shall be made immediately. However, the court may
21 require that the person make the reimbursement ordered under this
22 section within a specified period or in specified installments.

23 (5) If the person convicted is placed on probation or
24 paroled, any reimbursement ordered under this section shall be a
25 condition of that probation or parole. The court may revoke pro-
26 bation and the parole board may revoke parole if the person fails
27 to comply with the order and if the person has not made a good

1 faith effort to comply with the order. In determining whether to
2 revoke probation or parole, the court or parole board shall con-
3 sider the person's employment status, earning ability, number of
4 dependents, and financial resources, the willfulness of the
5 person's failure to pay, and any other special circumstances that
6 may have a bearing on the person's ability to pay.

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

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

18 (8) A local unit of government may elect to be reimbursed
19 for expenses under this section or a local ordinance, or a combi-
20 nation of this section and a local ordinance. This subsection
21 does not allow a local unit of government to be fully reimbursed
22 more than once for any expense incurred by that local unit of
23 government.

24 (9) AS PART OF THE SENTENCE FOR A CONVICTION OF ANY VIOLA-
25 TION OR ATTEMPTED VIOLATION OF CHAPTER XXXIII OR LXXXIII-A OF THE
26 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200 TO 750.212A AND
27 750.543A TO 750.543Z, IN ADDITION TO ANY OTHER PENALTY AUTHORIZED

1 BY LAW, THE COURT SHALL ORDER THE PERSON CONVICTED TO REIMBURSE
2 ANY GOVERNMENT ENTITY FOR EXPENSES INCURRED IN RELATION TO THAT
3 INCIDENT INCLUDING, BUT NOT LIMITED TO, EXPENSES FOR AN EMERGENCY
4 RESPONSE AND EXPENSES FOR PROSECUTING THE PERSON, AS PROVIDED IN
5 SUBSECTIONS (2) TO (8). AS USED IN THIS SUBSECTION, "GOVERNMENT
6 ENTITY" MEANS THIS STATE, A LOCAL UNIT OF GOVERNMENT, OR THE
7 UNITED STATES GOVERNMENT.

8 (10) ~~-(9)-~~ As used in this section:

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

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

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

14 (ii) A local or intermediate school district.

15 (iii) A public school academy.

16 (iv) A community college.

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

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

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

25 (f) "State" includes a state institution of higher
26 education.

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