

Legislative Analysis



REIMBURSEMENT TO MUNICIPAL JAILS

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Senate Bill 208

Sponsor: Sen. Laura M. Toy

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 2-7-06

A SUMMARY OF SENATE BILL 208 AS PASSED BY THE SENATE 12-6-05

The bill would create the Inmate Reimbursement to Municipalities Act to allow a city, village, or township located within a county with a population of 1 million or more to seek reimbursement from a person who was or had been a convicted inmate in the municipal jail, or incarcerated in a county jail, for expenses incurred by the municipality for that person's incarceration. A municipality could be reimbursed up to \$60 per day for incarceration in a municipal jail; the per-day cost charged to a municipality by a county for housing the inmate in the county jail not to exceed \$60 per day; the cost of providing medical care, prescription drugs, dental care, and other medical services; the cost of investigating the financial status of the person; and any other expenses incurred by the municipality in collecting payments allowed by the bill.

An inmate in a municipal or county jail would have to cooperate with the municipality seeking reimbursement. An inmate who willfully refused to cooperate could not receive a reduction in his or her term as allowed under Public Act 60 of 1962 (a reduction of one-fourth of his or her term, subject to court approval, if the inmate's conduct, diligence, and general attitude merited the reduction). Reimbursement could be ordered as a probation condition and failure to reimburse the municipality would subject the inmate to probation revocation.

Among other things, the bill would require a municipality to develop a form to be used for determining the financial status of inmates; upon request by a municipality's legislative body, require the municipality's chief of police or clerk to forward specified information to facilitate the legislative body's investigation of each inmate's financial status; allow a municipality to file a civil action to seek reimbursement; allow a court to enter a money judgment against the inmate/defendant and order the person's property liable for reimbursement; and allow the municipality to seek a court order restraining the defendant from disposing of property pending a show cause hearing on why the property should not be applied to the reimbursement. However, the bill would prohibit a municipality from enforcing a judgment against the defendant's homestead.

FISCAL IMPACT:

Depending on the extent to which municipalities were able to recoup costs, the bill could increase revenues for those municipalities. Revenues could be offset, however, by

administrative costs associated with forms development, investigation of inmates' financial situations, development of reports for municipal councils, and pursuit of civil actions against nonpaying inmates. Also, sanctions for refusal to pay could increase state or county correctional costs, if the inmate had probation revoked or was rendered ineligible for a jail sentence reduction that otherwise would have occurred.

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