Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5643 (Substitute S-1 as reported)
Sponsor: Representative Bill Caul
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 4-17-06

RATIONALE

The Prisoner Reimbursement to the County Act permits a county to seek reimbursement for expenses it incurred for housing and maintaining a person who was sentenced to a county jail or who was a pretrial detainee whose prosecution resulted in a felony conviction. Under the Act, within 12 months after the person's release from a county jail, an attorney for that county may file a civil action to seek reimbursement from that person for his or her maintenance and support while he or she was confined in the jail, or for any other expense for which the county may be reimbursed under the Act. Some people believe that a county should be given a longer period in which to pursue such an action.

CONTENT

The bill would amend the Prisoner Reimbursement to the County Act to allow a county to file a civil action seeking reimbursement from a prisoner within six years, rather than 12 months, after the prisoner's release from a county jail.

MCL 801.87

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Extending the period in which a county may file suit to obtain reimbursement from a person for the expense of his or her maintenance or support while housed in the county jail would enhance a county's opportunity to recover those costs. The Act allows a county to reduce the financial burden on its taxpayers for operating a jail by providing for the county to collect reimbursement of its costs of housing a prisoner. The current 12-month deadline for filing a suit requires a county to begin pursuing an action shortly after a prisoner is released, and may not give a former county jail inmate adequate time to earn enough income to begin paying back the county's cost. Lengthening the time frame for seeking prisoner reimbursement could result in more successful collection of reimbursements because counties would not have to pursue a court action so quickly and former prisoners would have more time to accumulate the funds necessary to fulfill their reimbursement obligations. This would help counties to reduce the burden on taxpayers.

Opposing Argument

Some former county jail inmates, particularly those who may be mentally ill, may not have the financial resources or the earning capacity to reimburse a county for the costs of their incarceration. The Act should include some type of hardship waiver for those who are unable to pay.

Response: The Act requires a county to determine prisoners' financial status before seeking reimbursement, including obtaining information on a person's age and marital status, number and ages of children and other dependents, cash and bank accounts, pensions, annuities, and type and value of real estate, personal property, and investments. The Act also prohibits a county from enforcing any judgment obtained under it by means of execution against a defendant's homestead.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would increase revenue to counties by an unknown amount. The actual amount would depend on the extent to which lengthening the recovery period would result in reimbursements that would not be obtained within the existing 12-month time frame.

This estimate is preliminary and will be revised as new information becomes available.

Fiscal Analyst: David Zin