

SUBSTITUTE FOR

SENATE BILL NO. 208
(As amended March 7, 2006)

A bill to allow reimbursement to municipalities for certain costs for inmates housed in municipal jails or county jails; and to provide certain powers and duties of municipal officials and county officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "inmate reimbursement to municipalities act".

3 Sec. 2. As used in this act:

4 (a) "Municipal jail" means a jail or lockup operated by a
5 city, village, or township.

6 (b) "Municipality" means a city, village, or township located
7 within a county that has a population of [500,000] or more.

8 Sec. 3. (1) A municipality may seek reimbursement from any

1 person who is or was a convicted inmate in the municipal jail or in
2 a county jail for expenses incurred by the municipality in relation
3 to the incarceration of that person, as follows:

4 (a) Not more than \$60.00 per day for the expenses of
5 maintaining that inmate or the actual per diem cost of maintaining
6 that inmate, whichever is less, for the entire period of time the
7 inmate was confined in the municipal jail, including any period of
8 pretrial detention.

9 (b) The per-day cost charged to the municipality by a county
10 for housing the inmate in that county's jail, but not more than
11 \$60.00 per day, for the entire period during which the inmate was
12 housed in that county's jail.

13 (c) The cost of providing medical treatment, prescription
14 drugs, dental care, and other medical examinations or procedures.

15 (d) To investigate the financial status of the person.

16 (e) Any other expenses incurred by the municipality to collect
17 payments under this act.

18 (2) Reimbursement under this act may be ordered as a probation
19 condition entered pursuant to section 3 of chapter XI of the code
20 of criminal procedure, 1927 PA 175, MCL 771.3.

21 (3) Before seeking any reimbursement under this act, the
22 municipality shall develop a form to be used for determining the
23 financial status of inmates. The form shall provide for obtaining
24 the age and marital status of an inmate, number and ages of
25 children of an inmate, number and ages of other dependents, type
26 and value of real estate, type and value of personal property, cash
27 and bank accounts, type and value of investments, pensions and

1 annuities, and any other personalty of significant cash value. The
2 municipality shall use the form when investigating the financial
3 status of inmates.

4 Sec. 4. At, and in accordance with, the request of the
5 legislative body of a municipality, the chief of police of the
6 municipality or, if there is no chief of police, the municipal
7 clerk shall forward to the legislative body of the municipality a
8 list containing the name of each sentenced inmate and each pretrial
9 detainee whose prosecution resulted in conviction from whom
10 reimbursement may be sought under section 3, the term of sentence
11 or the period of pretrial detention, and the date of admission to
12 the municipal jail or a county jail, together with information
13 regarding the financial status of each inmate, as required by the
14 legislative body.

15 Sec. 5. (1) An inmate in a municipal or county jail shall
16 cooperate with the municipality in seeking reimbursement under this
17 act for expenses incurred by the municipality for that inmate.

18 (2) An inmate who willfully refuses to cooperate as provided
19 in subsection (1) shall not receive a reduction in his or her term
20 under section 7 of 1962 PA 60, MCL 801.257. If an inmate is ordered
21 to reimburse the municipality under this act as a probation
22 condition entered pursuant to section 3 of chapter XI of the code
23 of criminal procedure, 1927 PA 175, MCL 771.3, the inmate is
24 subject to probation revocation as provided in section 4 of chapter
25 XI of the code of criminal procedure, 1927 PA 175, MCL 771.4.

26 Sec. 6. The legislative body of a municipality may investigate
27 or cause to be investigated all the reports under section 4

1 furnished by the chief of police or municipal clerk for the purpose
2 of securing reimbursement as provided for under this act.

3 Sec. 7. (1) Within 12 months after the release from a
4 municipal or county jail of a sentenced inmate or a pretrial
5 detainee whose prosecution resulted in conviction, an attorney for
6 a municipality may file a civil action to seek reimbursement from
7 that person for maintenance and support of that person while he or
8 she is or was confined in the jail, for costs charged to the
9 municipality by a county for housing that person in the county
10 jail, and for any other expense for which the municipality may be
11 reimbursed under section 3, as provided in this section and
12 sections 8 to 10.

13 (2) A civil action brought under this act shall be instituted
14 in the name of the municipality and shall state the following, as
15 applicable:

16 (a) In the case of an inmate sentenced to the municipal or
17 county jail, the date and place of sentence, the length of time set
18 forth in the sentence, the length of time actually served, and the
19 amount or amounts due to the municipality pursuant to section 3.

20 (b) In the case of a person imprisoned as a pretrial detainee
21 on a charge or charges that resulted in conviction, the length of
22 pretrial detention and the amount or amounts due to the
23 municipality pursuant to section 3.

24 (3) Before entering any order on behalf of the municipality
25 against the defendant, the court shall take into consideration any
26 legal obligation of the defendant to support a spouse, minor
27 children, or other dependents and any moral obligation to support

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dependents to whom the defendant is providing or has in fact provided support.

(4) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as an inmate and for other expenses reimbursable under section 3.

Sec. 8. (1) Consistent with section 7, the municipality may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still an inmate in the municipal jail or county jail or is a prisoner in a state correctional facility, venue in a district of the first class is proper in the county where the municipal jail, county jail, or state correctional facility is located and in a district of the second or third class is proper in the judicial district where the municipal jail, county jail, or state correctional facility is located.

(2) If necessary to protect the municipality's right to obtain reimbursement under this act against the disposition of known property, the municipality, in accordance with rules of the supreme court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the [municipality] for the maintenance and support of the defendant as an inmate.

(3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

1 Sec. 9. The municipality shall not enforce any judgment
2 obtained under this act by means of execution against the homestead
3 of the defendant.

4 Sec. 10. The sentencing judge and the sheriff of any county in
5 which an inmate's property is located shall furnish to the attorney
6 for the municipality all information and assistance possible to
7 enable the attorney to secure reimbursement for the municipality
8 under this act.

9 Sec. 11. The reimbursements secured under this act shall be
10 credited to the general fund of the municipality to be available
11 for general fund purposes. The municipal treasurer may determine
12 the amount due the municipality under this act and render sworn
13 statements thereof. These sworn statements shall be considered
14 prima facie evidence of the amount due.