

SENATE BILL No. 208

February 16, 2005, Introduced by Senator TOY and referred to the Committee on Judiciary.

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.

7 Sec. 3. (1) A municipality may seek reimbursement from any
8 person who is or was a convicted inmate in the municipal jail or in

1 a county jail for expenses incurred by the municipality in relation
2 to the incarceration of that person, as follows:

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

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

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

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

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

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

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

1 municipality shall use the form when investigating the financial
2 status of inmates.

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

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

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

25 Sec. 6. The legislative body of a municipality may investigate
26 or cause to be investigated all the reports under section 4
27 furnished by the chief of police or municipal clerk for the purpose

1 of securing reimbursement as provided for under this act.

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

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

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

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

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

1 provided support.

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

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

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

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

27 Sec. 9. The municipality shall not enforce any judgment

1 obtained under this act by means of execution against the homestead
2 of the defendant.

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

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