

HOUSE BILL No. 5432

February 23, 2012, Introduced by Reps. Somerville, Heise and Hughes and referred to the Committee on Judiciary.

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
2008 PA 466.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 1f. (1) As part of the sentence for a conviction of any
of the following offenses, in addition to any other penalty
authorized by law, the court may order the person convicted to
reimburse the state or a local unit of government for expenses
incurred in relation to that incident including but not limited to
expenses for an emergency response and expenses for prosecuting the
person, as provided in this section:

(a) A violation or attempted violation of section 601d,
625(1), (3), (4), (5), (6), or (7), section 625m, or section 626(3)

1 or (4) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d,
2 257.625, 257.625m, and 257.626, or of a local ordinance
3 substantially corresponding to section 601d(1), 625(1), (3), or (6)
4 or section 625m or 626 of the Michigan vehicle code, 1949 PA 300,
5 MCL 257.601d, 257.625, 257.625m, and 257.626.

6 (b) Felonious driving, negligent homicide, manslaughter, or
7 murder, or attempted felonious driving, negligent homicide,
8 manslaughter, or murder, resulting from the operation of a motor
9 vehicle, snowmobile, ORV, aircraft, vessel, or locomotive engine
10 while the person was impaired by or under the influence of
11 intoxicating liquor or a controlled substance, as defined in
12 section 7104 of the public health code, 1978 PA 368, MCL 333.7104,
13 or a combination of intoxicating liquor and a controlled substance,
14 or had an unlawful blood alcohol content.

15 (c) A violation or attempted violation of section 82127 of the
16 natural resources and environmental protection act, 1994 PA 451,
17 MCL 324.82127.

18 (d) A violation or attempted violation of section 81134 or
19 81135 of the natural resources and environmental protection act,
20 1994 PA 451, MCL 324.81134 and 324.81135.

21 (e) A violation or attempted violation of section 185 of the
22 aeronautics code of the state of Michigan, 1945 PA 327, MCL
23 259.185.

24 (f) A violation or attempted violation of section 80176(1),
25 (3), (4), or (5) of the natural resources and environmental
26 protection act, 1994 PA 451, MCL 324.80176, or a local ordinance
27 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 of the
4 railroad code of 1993, 1993 PA 354, MCL 462.353.

5 (h) A violation or attempted violation of section 411a(2) **OR**
6 **(4)** of the Michigan penal code, 1931 PA 328, MCL 750.411a.

7 (i) A finding of guilt for criminal contempt for a violation
8 of a personal protection order issued under section 2950 or 2950a
9 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
10 and 600.2950a, or for a violation of a foreign protection order
11 that satisfies the conditions for validity provided in section
12 2950i of the revised judicature act of 1961, 1961 PA 236, MCL
13 600.2950i.

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

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

24 (b) The salaries, wages, or other compensation, including
25 overtime pay, of fire department and emergency medical service
26 personnel, including volunteer fire fighters or volunteer emergency
27 medical service personnel, for time spent in responding to and

1 providing fire fighting, rescue, and emergency medical services in
2 relation to the incident from which the conviction arose.

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

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

12 (e) The cost of extraditing a person from another state to
13 this state including, but not limited to, all of the following:

14 (i) Transportation costs.

15 (ii) The salaries or wages of law enforcement and prosecution
16 personnel, including overtime pay, for processing the extradition
17 and returning the person to this state.

18 (3) If police, fire department, or emergency medical service
19 personnel from more than 1 unit of government incurred expenses as
20 described in subsection (2), the court may order the person
21 convicted to reimburse each unit of government for the expenses it
22 incurred.

23 (4) The amount ordered to be paid under this section shall be
24 paid to the clerk of the court, who shall transmit the appropriate
25 amount to the unit or units of government named in the order to
26 receive reimbursement. If not otherwise provided by the court under
27 this subsection, the reimbursement ordered under this section shall

1 be made immediately. However, the court may require that the person
2 make the reimbursement ordered under this section within a
3 specified period or in specified installments.

4 (5) If the person convicted is placed on probation or paroled,
5 any reimbursement ordered under this section shall be a condition
6 of that probation or parole. The court may revoke probation and the
7 parole board may revoke parole if the person fails to comply with
8 the order and if the person has not made a good faith effort to
9 comply with the order. In determining whether to revoke probation
10 or parole, the court or parole board shall consider the person's
11 employment status, earning ability, number of dependents, and
12 financial resources, the willfulness of the person's failure to
13 pay, and any other special circumstances that may have a bearing on
14 the person's ability to pay.

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

19 (7) Notwithstanding any other provision of this section, a
20 person shall not be imprisoned, jailed, or incarcerated for a
21 violation of parole or probation, or otherwise, for failure to make
22 a reimbursement as ordered under this section unless the court
23 determines that the person has the resources to pay the ordered
24 reimbursement and has not made a good faith effort to do so.

25 (8) A local unit of government may elect to be reimbursed for
26 expenses under this section or a local ordinance, or a combination
27 of this section and a local ordinance. This subsection does not

1 allow a local unit of government to be fully reimbursed more than
2 once for any expense incurred by that local unit of government.

3 (9) As part of the sentence for a conviction of any violation
4 or attempted violation of chapter XXXIII, section 327, 327a, 328,
5 or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA
6 328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and
7 750.436, and 750.543a to 750.543z, in addition to any other penalty
8 authorized by law, the court shall order the person convicted to
9 reimburse any government entity for expenses incurred in relation
10 to that incident including, but not limited to, expenses for an
11 emergency response and expenses for prosecuting the person, as
12 provided in subsections (2) to (8). As used in this subsection,
13 "government entity" means this state, a local unit of government,
14 or the United States government.

15 (10) As used in this section:

16 (a) "Aircraft" means that term as defined in section 4-2 of
17 the aeronautics code of the state of Michigan, 1945 PA 327, MCL
18 ~~259.4-259.2~~.

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

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

21 (ii) A local or intermediate school district.

22 (iii) A public school academy.

23 (iv) A community college.

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

26 (d) "ORV" means that term as defined in section 81101 of the
27 natural resources and environmental protection act, 1994 PA 451,

1 MCL 324.81101.

2 (e) "Snowmobile" means that term as defined in section 82101
3 of the natural resources and environmental protection act, 1994 PA
4 451, MCL 324.82101.

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

6 (g) "Vessel" means that term as defined in section 80104 of
7 the natural resources and environmental protection act, 1994 PA
8 451, MCL 324.80104.

9 Enacting section 1. This amendatory act takes effect July 1,
10 2012.

11 Enacting section 2. This amendatory act does not take effect
12 unless Senate Bill No. ____ or House Bill No. 5431(request no.
13 03875'11 *) of the 96th Legislature is enacted into law.