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Senate Bill 729 (as reported by the Committee of the Whole)  
Sponsor: Senator Goeff Hansen  
Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to include retail fraud and criminal contempt for failure to appear in court in the list of offenses for which the sentencing court may order the defendant to reimburse the State or a local unit of government for related expenses; and add transportation costs to the list of expenses for which reimbursement may be ordered.

Under the Code, as part of the sentence for a conviction of certain offenses, and in addition to any other penalty authorized by law, the court may order the offender to reimburse the State or a local unit for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person. The bill would include first-, second-, or third-degree retail fraud or an attempt to commit that offense, and a finding of guilt for criminal contempt for failing to appear in court as ordered by the court, in the list of violations for which a court may order reimbursement.

The Code specifies expenses for which reimbursement may be ordered. These include the salaries or wages of law enforcement personnel for time spent responding to the incident, arresting the person and processing him or her after arrest, preparing reports on the incident, investigating the incident, and collecting and analyzing evidence. Under the bill, reimbursements also could be ordered for the transportation costs of law enforcement personnel.

The bill would take effect 90 days after its enactment.

MCL 769.1f

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill includes three areas in which there could be a positive fiscal impact on the State and local government.

By adding retail fraud to the offenses for which reimbursement may be ordered, the bill could increase the amount of offense-related reimbursements to the State and local government.

Additionally, State and local government revenue could be increased by the inclusion of criminal contempt for failing to appear in court, among the violations authorized for reimbursement collection.

Third, by including transportation expenses as a type of qualified cost, the bill could result in added reimbursement to the State and local government from individuals who commit or attempt to commit offenses for which reimbursement may be ordered.

Date Completed: 2-4-14

Fiscal Analyst: John Maxwell

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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