

SENATE BILL No. 729

December 12, 2013, Introduced by Senators HANSEN, JONES and PAPPAGEORGE 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
2012 PA 331.

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,

1 625(1), (3), (4), (5), (6), or (7), section 625m, or section 626(3)
2 or (4) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d,
3 257.625, 257.625m, and 257.626, or of a local ordinance
4 substantially corresponding to section 601d(1), 625(1), (3), or (6)
5 or section 625m or 626 of the Michigan vehicle code, 1949 PA 300,
6 MCL 257.601d, 257.625, 257.625m, and 257.626.

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

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

19 (d) A violation or attempted violation of section 81134 or
20 81135 of the natural resources and environmental protection act,
21 1994 PA 451, MCL 324.81134 and 324.81135.

22 (e) A violation or attempted violation of section 185 of the
23 aeronautics code of the state of Michigan, 1945 PA 327, MCL
24 259.185.

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

1 substantially corresponding to section 80176(1) or (3) of the
2 natural resources and environmental protection act, 1994 PA 451,
3 MCL 324.80176.

4 (g) A violation or attempted violation of section 353 of the
5 railroad code of 1993, 1993 PA 354, MCL 462.353.

6 (h) A violation or attempted violation of section 411a(1),
7 (2), or (4) of the Michigan penal code, 1931 PA 328, MCL 750.411a.

8 (i) A finding of guilt for criminal contempt for a violation
9 of a personal protection order issued under section 2950 or 2950a
10 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
11 and 600.2950a, or for a violation of a foreign protection order
12 that satisfies the conditions for validity provided in section
13 2950i of the revised judicature act of 1961, 1961 PA 236, MCL
14 600.2950i.

15 **(J) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 356C OR 356D**
16 **OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.356C AND 750.356D.**

17 **(K) A FINDING OF GUILT FOR CRIMINAL CONTEMPT FOR FAILING TO**
18 **APPEAR IN COURT AS ORDERED BY THE COURT.**

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

21 (a) The salaries or wages, including overtime pay, of law
22 enforcement personnel for time spent responding to the incident
23 from which the conviction arose, arresting the person convicted,
24 processing the person after the arrest, preparing reports on the
25 incident, investigating the incident, **TRANSPORTATION COSTS**, and
26 collecting and analyzing evidence, including, but not limited to,
27 determining bodily alcohol content and determining the presence of

1 and identifying controlled substances in the blood, breath, or
2 urine.

3 (b) The salaries, wages, or other compensation, including
4 overtime pay, of fire department and emergency medical service
5 personnel, including volunteer fire fighters or volunteer emergency
6 medical service personnel, for time spent in responding to and
7 providing fire fighting, rescue, and emergency medical services in
8 relation to the incident from which the conviction arose.

9 (c) The cost of medical supplies lost or expended by fire
10 department and emergency medical service personnel, including
11 volunteer fire fighters or volunteer emergency medical service
12 personnel, in providing services in relation to the incident from
13 which the conviction arose.

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

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

20 (i) Transportation costs.

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

24 (3) If police, fire department, or emergency medical service
25 personnel from more than 1 unit of government incurred expenses as
26 described in subsection (2), the court may order the person
27 convicted to reimburse each unit of government for the expenses it

1 incurred.

2 (4) The amount ordered to be paid under this section shall be
3 paid to the clerk of the court, who shall transmit the appropriate
4 amount to the unit or units of government named in the order to
5 receive reimbursement. If not otherwise provided by the court under
6 this subsection, the reimbursement ordered under this section shall
7 be made immediately. However, the court may require that the person
8 make the reimbursement ordered under this section within a
9 specified period or in specified installments.

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

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

25 (7) Notwithstanding any other provision of this section, a
26 person shall not be imprisoned, jailed, or incarcerated for a
27 violation of parole or probation, or otherwise, for failure to make

1 a reimbursement as ordered under this section unless the court
2 determines that the person has the resources to pay the ordered
3 reimbursement and has not made a good faith effort to do so.

4 (8) A local unit of government may elect to be reimbursed for
5 expenses under this section or a local ordinance, or a combination
6 of this section and a local ordinance. This subsection does not
7 allow a local unit of government to be fully reimbursed more than
8 once for any expense incurred by that local unit of government.

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

21 (10) As used in this section:

22 (a) "Aircraft" means that term as defined in section 2 of the
23 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

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

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

26 (ii) A local or intermediate school district.

27 (iii) A public school academy.

Senate Bill No. 729 as amended February 4, 2014

1 (iv) A community college.

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

4 (d) "ORV" means that term as defined in section 81101 of the
5 natural resources and environmental protection act, 1994 PA 451,
6 MCL 324.81101.

7 (e) "Snowmobile" means that term as defined in section 82101
8 of the natural resources and environmental protection act, 1994 PA
9 451, MCL 324.82101.

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

11 (g) "Vessel" means that term as defined in section 80104 of
12 the natural resources and environmental protection act, 1994 PA
13 451, MCL 324.80104.

<<Enacting section 1. This amendatory act takes effect 90
days after the date it is enacted into law.>>