

# Legislative Analysis

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## REIMBURSEMENT FOR COSTS OF PROSECUTION

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 191 as passed the Senate without amendment**

**Sponsor: Sen. Goeff Hansen**

**House Committee: Criminal Justice**

**Senate Committee: Judiciary**

**Complete to 5-11-15**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Under the bill, a person (1) who was convicted of retail fraud or (2) who failed to appear in court for criminal contempt could be ordered by the court to reimburse the state or a local government for certain costs related to the incident (e.g., the costs of prosecution).

The Code of Criminal Procedure allows a court, as part of the sentence for a conviction of certain offenses and in addition to any other penalty authorized by law, to order the person to reimburse the state or a local unit of government for expenses incurred in relation to that incident. Expenses for which a court could order reimbursement include, but are not limited to, expenses for emergency response and prosecution, as well as such things as the salaries or wages of law enforcement, investigating the incident, collecting and analyzing evidence, and preparing reports (MCL 769.1f).

Senate Bill 191 would amend the code to include the following in the list of crimes for which a court may order reimbursement of expenses:

- A violation or attempted violation of first-, second-, or third-degree retail fraud.
- A finding of guilt for criminal contempt for failing to appear in court as ordered.

The bill would also allow a court to order reimbursement for transportation costs incurred by the state or local government related to the incident. The bill would take effect 90 days after enactment.

### FISCAL IMPACT:

As written, the bill could reduce state and local unit expenditures related to the justice system by reimbursing them for part of those expenses. By allowing the state and local units to recoup these costs, additional funds could be made available for other purposes. While money will flow back to the state and local units, this bill should not be seen as a revenue increase since this new flow of funds is related to state expenditures, not an increase in the base or rate of a tax, a change in economic activity, or a change in a fee structure.

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