

Legislative Analysis



REIMBURSEMENT FOR COSTS OF PROSECUTION

Phone: (517) 373-8080

<http://www.house.mi.gov/hfa>

Senate Bill 44 as reported from House committee as H-3 substitute

Sponsor: Sen. Goeff Hansen

House Committee: Law and Justice

Senate Committee: Judiciary

Complete to 12-12-17

Analysis available at

<http://www.legislature.mi.gov>

(Enacted as Public Act 241 of 2017)

SUMMARY:

Senate Bill 44 would amend the Code of Criminal Procedure (MCL 769.1f) to add retail fraud; dealing in stolen or embezzled property or motor vehicles; and failure to make a court-ordered court appearance to the list of crimes for which a court may order reimbursement of certain expenses incurred by the state and local units of government.

The Code of Criminal Procedure currently allows a court to order a person convicted of certain crimes to reimburse the state or a local unit of government for expenses incurred in relation to the incident underlying the conviction. Costs for which a court can order reimbursement include expenses for emergency response and prosecution, as well as such things as law enforcement salaries or wages and the costs of investigating the incident, collecting and analyzing evidence, and preparing reports.

SB 44 would add the following to the list of convictions or findings of guilt for which reimbursement of expenses may be ordered by a court under the Code:

- A violation or attempted violation of first-degree retail fraud (MCL 750.356c).
- A second or subsequent violation of second- or third-degree retail fraud (MCL 750.356d).
- A violation or attempted violation of buying, receiving, possessing, concealing, or aiding in the concealment of money, goods, or property or motor vehicles known or believed to be stolen, converted, or embezzled (MCL 750.535).
- Criminal contempt for failing to appear in court as ordered by the court.

SB 44 would also add the violation or attempted violation of the Organized Retail Crime Act (MCL 752.1081 et seq.) to the list of convictions for which the court must order, as part of the sentence, that the person reimburse the state or a local unit of government for expenses incurred in relation to the incident underlying the conviction.

SB 44 would also add law enforcement transportation costs to the specified expenses for which a court could order reimbursement under the Code.

The bill would take effect 90 days after enactment.

MCL 769.1f

FISCAL IMPACT:

Senate Bill 44 could reduce costs to the state or local units of government by expanding the types of crimes for which expenses are reimbursable under the Code and also by adding law enforcement transportation costs to the types of expenses for which reimbursement can be ordered. To the extent that reimbursement is ordered and revenue is collected, enforcement costs could be offset.

HOUSE COMMITTEE ACTION:

The House Committee on Law and Justice adopted an H-3 substitute for SB 44.

The substitute added receiving stolen goods, etc. (MCL 750.535) to the list of convictions or findings of guilt for which reimbursement of expenses can be ordered by a court under the Code. The substitute removed first violations of second- or third-degree retail fraud (MCL 750.356d) from the additions to that list proposed by the Senate-passed bill, and would make only second or subsequent violations of second- or third-degree retail fraud subject to such a court order for expense reimbursement.

The substitute also added the provision that would include violation or attempted violation of the Organized Retail Crime Act (MCL 752.1081 et seq.) on the list of convictions for which the court must order, as part of the sentence, reimbursement of expenses under the Code.

POSITIONS:

A representative of the Department of State Police testified in support of the bill as passed by the Senate. (10-31-17)

A representative of the Norton Shores Police Department testified in support of the bill as passed by the Senate. (10-31-17)

The Michigan Association of Chiefs of Police indicated support for the H-3 version of the bill. (11-7-17)

The following entities indicated support for the bill as passed by the Senate (10-31-17):

The Michigan Township Association
Michigan Association of Counties
Michigan Municipal League
Michigan Retailers Association

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.