INMATE REIMBURSEMENT TO MUNICIPALITIES ACT
Act 88 of 2006

AN ACT to allow reimbursement to municipalities for certain costs for inmates housed in municipal jails or county jails; and to provide certain powers and duties of municipal officials and county officials.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

The People of the State of Michigan enact:

801.311 Short title.

Sec. 1. This act shall be known and may be cited as the "inmate reimbursement to municipalities act".

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.312 Definitions; inmate housing expense.

Sec. 2. (1) As used in this act:

(a) "Municipal jail" means a jail or lockup operated by a city, village, or township.

(b) "Municipality" means any city, village, or township.

(2) This act, consistent with section 4a of 1846 RS 171, MCL 801.4a, does not create any responsibility for a municipality in a district court district of the first or second class to incur the expense of housing an inmate in the county jail for an ordinance violation.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006;—Am. 2012, Act 136, Imd. Eff. May 16, 2012.

801.313 Reimbursement.

Sec. 3. (1) A municipality may seek reimbursement from any person who is or was a convicted inmate in the municipal jail or in a county jail for expenses incurred by the municipality in relation to the incarceration of that person, as follows:

(a) Not more than $60.00 per day for the expenses of maintaining that inmate or the actual per diem cost of maintaining that inmate, whichever is less, for the entire period of time the inmate was confined in the municipal jail, including any period of pretrial detention.

(b) The per-day cost charged to the municipality by a county for housing the inmate in that county's jail, but not more than $60.00 per day, for the entire period during which the inmate was housed in that county's jail.

(c) The cost of providing medical treatment, prescription drugs, dental care, and other medical examinations or procedures.

(d) To investigate the financial status of the person.

(e) Any other expenses incurred by the municipality to collect payments under this act.

(2) Reimbursement under this act may be ordered as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.

(3) Before seeking any reimbursement under this act, the municipality shall develop a form to be used for determining the financial status of inmates. The form shall provide for obtaining the age and marital status of an inmate, number and ages of children of an inmate, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The municipality shall use the form when investigating the financial status of inmates.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.314 List of inmates.

Sec. 4. At, and in accordance with, the request of the legislative body of a municipality, the chief of police of the municipality or, if there is no chief of police, the municipal clerk shall forward to the legislative body of the municipality a list containing the name of each sentenced inmate and each pretrial detainee whose prosecution resulted in conviction from whom reimbursement may be sought under section 3, the term of sentence or the period of pretrial detention, and the date of admission to the municipal jail or a county jail, together with information regarding the financial status of each inmate, as required by the legislative body.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.315 Cooperation of inmate.

Sec. 5. (1) An inmate in a municipal or county jail shall cooperate with the municipality in seeking reimbursement under this act for expenses incurred by the municipality for that inmate.

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(2) An inmate who willfully refuses to cooperate as provided in subsection (1) shall not receive a reduction in his or her term under section 7 of 1962 PA 60, MCL 801.257. If an inmate is ordered to reimburse the municipality under this act as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, the inmate is subject to probation revocation as provided in section 4 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.4.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.316 Reports; investigation to secure reimbursement.

Sec. 6. The legislative body of a municipality may investigate or cause to be investigated all the reports under section 4 furnished by the chief of police or municipal clerk for the purpose of securing reimbursement as provided for under this act.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.317 Civil action; filing; considerations.

Sec. 7. (1) Within 12 months after the release from a municipal or county jail of a sentenced inmate or a pretrial detainee whose prosecution resulted in conviction, an attorney for a municipality may file a civil action to seek reimbursement from that person for maintenance and support of that person while he or she is or was confined in the jail, for costs charged to the municipality by a county for housing that person in the county jail, and for any other expense for which the municipality may be reimbursed under section 3, as provided in this section and sections 8 to 10.

(2) A civil action brought under this act shall be instituted in the name of the municipality and shall state the following, as applicable:

(a) In the case of an inmate sentenced to the municipal or county jail, the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the municipality pursuant to section 3.

(b) In the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction, the length of pretrial detention and the amount or amounts due to the municipality pursuant to section 3.

(3) Before entering any order on behalf of the municipality against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(4) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as an inmate and for other expenses reimbursable under section 3.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

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801.318 Civil action; jurisdiction; disposal of property; restraining order; appointment of receiver.

Sec. 8. (1) Consistent with section 7, the municipality may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still an inmate in the municipal jail or county jail or is a prisoner in a state correctional facility, venue in a district of the first class is proper in the county where the municipal jail, county jail, or state correctional facility is located and in a district of the second or third class is proper in the judicial district where the municipal jail, county jail, or state correctional facility is located.

(2) If necessary to protect the municipality's right to obtain reimbursement under this act against the disposition of known property, the municipality, in accordance with rules of the supreme court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the municipality for the maintenance and support of the defendant as an inmate.

(3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.319 Enforcement; execution against homestead; prohibition.

Sec. 9. The municipality shall not enforce any judgment obtained under this act by means of execution against the homestead of the defendant.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

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801.320 Furnishing information and assistance to municipality.

Sec. 10. The sentencing judge and the sheriff of any county in which an inmate's property is located shall furnish to the attorney for the municipality all information and assistance possible to enable the attorney to secure reimbursement for the municipality under this act.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

801.321 Disposition of reimbursements; determination by municipal treasurer.

Sec. 11. The reimbursements secured under this act shall be credited to the general fund of the municipality to be available for general fund purposes. The municipal treasurer may determine the amount due the municipality under this act and render sworn statements thereof. These sworn statements shall be considered prima facie evidence of the amount due.

History: 2006, Act 88, Imd. Eff. Apr. 3, 2006.

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