

## **REIMBURSEMENT TO COUNTIES FOR CERTAIN EXPENSES**

### **Act 16 of 1978**

AN ACT to provide reimbursement to counties for expenses relating to certain felonies, for expenses incurred by implementing special jurisdictional duties, and for expenses incurred in maintaining escapees from correctional institutions; and to require reports.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978;—Am. 1987, Act 272, Eff. Apr. 1, 1988.

*The People of the State of Michigan enact:*

#### **800.451 "State correctional facility" defined.**

Sec. 1. As used in this act, "state correctional facility" means a facility or institution which houses an inmate population under the jurisdiction of the department of corrections. State correctional facility includes a correctional camp, community correction center, state prison, and a state reformatory.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978.

#### **800.452 Reimbursement for fees.**

Sec. 2. (1) The state shall reimburse each county in which a state correctional facility is located for the reasonable and actual costs incurred by the county for juror's fees, witness fees, fees of attorneys appointed by the court for the defendant, transcript fees, and for a proportion of the fees for the office of the prosecuting attorney as determined under subsection (3), in cases of new felony offenses committed by inmates of state correctional facilities during a period of state incarceration, new felonies committed during escape and cases of escape from custody as prescribed in section 65a(3) of Act No. 232 of the Public Acts of 1953, being section 791.265 of the Michigan Compiled Laws.

(2) Each county shall submit monthly its itemized costs as described in this section to the state agency designated in subsection (3). After determination by the state agency designated in subsection (3) of the reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the state agency designated in subsection (3) shall be conclusive.

(3) The state agency responsible for the duties prescribed in subsections (2) and (4) shall be as follows:

(a) Before October 1, 1988, the department of corrections.

(b) On and after October 1, 1988, the department of management and budget.

(4) The amount of reimbursement for the fees of the prosecuting attorney under subsection (1) for any case, subject to the determination of reasonableness by the state agency designated in subsection (3), shall be based upon the actual time spent in prosecuting the case, and shall be calculated at a rate equal to 70% of the hourly rate or flat fee paid to court-appointed defense attorneys in the county. However, the reimbursement for a single case shall not exceed \$1,000.00 unless the case is either of the following:

(a) A felony offense for which the maximum punishment is life imprisonment. In which case the reimbursement shall not exceed \$10,000.00.

(b) A case that involves 12 or more hours of actual trial time, in which case the reimbursement shall not exceed \$10,000.00. As used in this subdivision, "actual trial time" means the trial hours recorded on the court record beginning when juror selection begins and ending when the jury begins deliberation in the case. If there is no jury in the case, actual trial time means the trial hours recorded on the court record.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978;—Am. 1987, Act 272, Eff. Apr. 1, 1988.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities, including the functions of budgeting, procurement, and management-related functions, of the County Escaped Prisoner Prosecution Program from the Department of Management and Budget to the Department of Corrections, see E.R.O. No. 1993-4, compiled at MCL 800.461 of the Michigan Compiled Laws.

#### **800.453 Implementing additional jurisdictional duties; reimbursement of costs.**

Sec. 3. (1) The state shall reimburse each county for the reasonable and actual costs incurred by that county for implementing additional jurisdictional duties in the circuit court imposed upon that county by law because that county is specifically named in the law as having jurisdiction.

(2) Each county shall submit quarterly its itemized costs as described in this section to the state court administrative office. After determination by the state court administrator of the reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the state court administrator shall be conclusive.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978.

**800.454 Prisoners escaping, not returning, or violating parole; apprehension; reimbursing costs of holding in county jail; exception; monthly submission of itemized costs; determination of reasonableness; payment.**

Sec. 4. (1) When a state committed prisoner who was incarcerated in a state correctional facility has escaped, not returned pursuant to agreement, or violated the terms of his or her parole and has been apprehended pursuant to an order of the department of corrections and is held in a county jail awaiting disposition of his or her case, the department of corrections shall reimburse the county holding the prisoner for the actual and reasonable daily costs, not to exceed \$35.00 per day, incurred by the county in holding the prisoner. This section shall not apply to the holding of prisoners awaiting prosecution on new felony charges.

(2) Each county shall submit monthly its itemized costs as described in this section to the department of corrections. After determination of reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the department of corrections shall be conclusive.

**History:** 1978, Act 16, Imd. Eff. Feb. 12, 1978;—Am. 1987, Act 272, Eff. Apr. 1, 1988.

**800.455 Implementing jurisdictional duties in probate court; reimbursement of costs; quarterly submission of itemized costs; determination of reasonableness; payment.**

Sec. 5. (1) The state shall reimburse each county in which a state correctional facility is located for the reasonable and actual costs of the following expenses incurred by that county for implementing jurisdictional duties in the probate court imposed upon that county by chapter 10 of the mental health code, Act No. 258 of the Public Acts of 1974, being sections 330.2001 to 330.2050 of the Michigan Compiled Laws, with respect to proceedings for the transfer of an allegedly mentally ill prisoner who is confined in a state correctional facility in that county, to the center for forensic psychiatry program for treatment, or with respect to proceedings for the treatment of an allegedly mentally ill prisoner within a state correctional facility:

- (a) The expense of legal counsel appointed to represent an indigent prisoner in the proceeding.
- (b) Compensation paid to each juror who is either summoned for voir dire or impaneled on a jury, if a jury trial is demanded in the proceeding.
- (c) Compensation paid to each witness subpoenaed to the proceeding by the prisoner.
- (d) The expense of the preparation of a transcript of the proceeding.

(2) Each county shall submit quarterly its itemized costs as described in subsection (1) to the chief probate judge of the county. After determination by the chief probate judge of the reasonableness of the amount to be paid, payment shall be made in accordance with the accounting laws of the state. The determination of reasonableness by the chief probate judge shall be conclusive.

**History:** Add. 1984, Act 409, Eff. Mar. 29, 1985.