

HOUSE BILL No. 6629

November 12, 2008, Introduced by Rep. Accavitti and referred to the Committee on Transportation.

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 2002 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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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:

1 (a) A violation or attempted violation of section **601D**,
2 625(1), (3), (4), (5), (6), or (7), ~~or~~ section 625m, **OR SECTION**
3 **626(3) OR (4)** of the Michigan vehicle code, 1949 PA 300, MCL
4 **257.601D**, 257.625, ~~and~~ 257.625m, **AND 257.626**, or of a local
5 ordinance substantially corresponding to section **601D(1)**, 625(1),
6 (3), or (6) or section 625m **OR 626** of the Michigan vehicle code,
7 1949 PA 300, MCL **257.601D**, 257.625, ~~and~~ 257.625m, **AND 257.626**.

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

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

20 (d) A violation or attempted violation of section 81134 or
21 81135 of the natural resources and environmental protection act,
22 1994 PA 451, MCL 324.81134 and 324.81135.

23 (e) A violation or attempted violation of section 185 of the
24 aeronautics code of the state of Michigan, 1945 PA 327, MCL
25 259.185.

26 (f) A violation or attempted violation of section 80176(1),
27 (3), (4), or (5) of the natural resources and environmental

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

5 (g) A violation or attempted violation of section 353 ~~or 355~~
6 of the railroad code of 1993, 1993 PA 354, MCL 462.353. ~~and~~
7 ~~462.355.~~

8 (h) A violation or attempted violation of section 411a(2) of
9 the Michigan penal code, 1931 PA 328, MCL 750.411a.

10 (i) A finding of guilt for criminal contempt for a violation
11 of a personal protection order issued under section 2950 or 2950a
12 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
13 and 600.2950a, or for a violation of a foreign protection order
14 that satisfies the conditions for validity provided in section
15 2950i of the revised judicature act of 1961, 1961 PA 236, MCL
16 600.2950i.

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

19 (a) The salaries or wages, including overtime pay, of law
20 enforcement personnel for time spent responding to the incident
21 from which the conviction arose, arresting the person convicted,
22 processing the person after the arrest, preparing reports on the
23 incident, investigating the incident, and collecting and analyzing
24 evidence, including, but not limited to, determining bodily alcohol
25 content and determining the presence of and identifying controlled
26 substances in the blood, breath, or urine.

27 (b) The salaries, wages, or other compensation, including

1 overtime pay, of fire department and emergency medical service
2 personnel, including volunteer fire fighters or volunteer emergency
3 medical service personnel, for time spent in responding to and
4 providing fire fighting, rescue, and emergency medical services in
5 relation to the incident from which the conviction arose.

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

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

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

17 (i) Transportation costs.

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

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

26 (4) The amount ordered to be paid under this section shall be
27 paid to the clerk of the court, who shall transmit the appropriate

1 amount to the unit or units of government named in the order to
2 receive reimbursement. If not otherwise provided by the court under
3 this subsection, the reimbursement ordered under this section shall
4 be made immediately. However, the court may require that the person
5 make the reimbursement ordered under this section within a
6 specified period or in specified installments.

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

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

22 (7) Notwithstanding any other provision of this section, a
23 person shall not be imprisoned, jailed, or incarcerated for a
24 violation of parole or probation, or otherwise, for failure to make
25 a reimbursement as ordered under this section unless the court
26 determines that the person has the resources to pay the ordered
27 reimbursement and has not made a good faith effort to do so.

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

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

18 (10) As used in this section:

19 (a) "Aircraft" means that term as defined in section 4 of the
20 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.4.

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

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

23 (ii) A local or intermediate school district.

24 (iii) A public school academy.

25 (iv) A community college.

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

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

4 (e) "Snowmobile" means that term as defined in section 82101
5 of the natural resources and environmental protection act, 1994 PA
6 451, MCL 324.82101.

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

8 (g) "Vessel" means that term as defined in section 80104 of
9 the natural resources and environmental protection act, 1994 PA
10 451, MCL 324.80104.

11 Enacting section 1. This amendatory act takes effect October
12 31, 2010.

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No. 104 of the 94th Legislature is enacted into
15 law.