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:

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:

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

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(b) Felonious driving, negligent homicide, manslaughter, or 8 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 intoxicating liquor or a controlled substance, as defined in 13 section 7104 of the public health code, 1978 PA 368, MCL 333.7104, 14 15 or a combination of intoxicating liquor and a controlled substance, or had an unlawful blood alcohol content. 16

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.

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

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

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

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

17 (2) The expenses for which reimbursement may be ordered under18 this section include all of the following:

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

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

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overtime pay, of fire department and emergency medical service
 personnel, including volunteer fire fighters or volunteer emergency
 medical service personnel, for time spent in responding to and
 providing fire fighting, rescue, and emergency medical services in
 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.

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

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

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

26 (4) The amount ordered to be paid under this section shall be27 paid to the clerk of the court, who shall transmit the appropriate

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

7 (5) If the person convicted is placed on probation or paroled, any reimbursement ordered under this section shall be a condition 8 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 or parole, the court or parole board shall consider the person's 13 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.

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

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

6 (9) As part of the sentence for a conviction of any violation or attempted violation of chapter XXXIII, section 327, 327a, 328, 7 or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA 8 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.

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(10) As used in this section:

(a) "Aircraft" means that term as defined in section 4 of theaeronautics 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 3327 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

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

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

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