



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 393 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 6-6-11

RATIONALE

The Inmate Reimbursement to Municipalities Act was enacted in 2006 to allow cities, villages, and townships in certain counties to seek reimbursement from inmates for expenses of incarceration, including per diem costs, medical expenses, and the cost charged to a municipality by a county for housing an inmate. This statute is parallel to the Prisoner Reimbursement to the County Act, which was enacted in 1984. It was pointed out that the cost of operating a municipal jail or lockup also can be a significant expense for a city, village, or township, and some counties charge municipalities for incarcerating inmates in the county jail. The 2006 Act, however, applies only to municipalities that are located in a county with a population of at least 500,000: Kent, Macomb, Oakland, or Wayne County. It has been suggested that municipalities in additional counties also should have the authority to seek reimbursement from inmates.

CONTENT

The bill would amend the Inmate Reimbursement to Municipalities Act to revise the municipalities that may seek reimbursement from a convicted inmate for expenses of incarceration.

The Act defines "municipality" as a city, village, or township located in a county that has a population of 500,000 or more. The bill, instead, would refer to a city, village, or township located in a district court district of the third class.

(The counties that contain district court districts of the third class are Genesee, Ingham, Kent, Macomb, Oakland, Washtenaw, and Wayne. Specific municipalities within those counties comprise third class districts, while the remainder of the counties are second class districts.)

MCL 801.312

BACKGROUND

The Inmate Reimbursement to Municipalities Act authorizes a municipality to seek the following reimbursement from a person who is or was a convicted inmate in the municipal jail or in a county jail:

- Up to \$60 per day for the expenses, or the actual per diem cost, of maintaining the inmate, for the entire period the person was confined in the municipal jail, including any period of pretrial detention.
- The per-day cost charged to the municipality by a county for housing the inmate, but not more than \$60 per day, for the entire time he or she was housed in the county jail.
- The cost of providing medical treatment, prescription drugs, dental care, and other medical examinations or procedures.
- The cost of investigating the person's financial status.
- Any other expenses the municipality incurs to collect payments under the Act.

The Act requires a municipality to develop and use a form for determining the financial status of inmates. At the request of a municipality's legislative body, the chief of police or municipal clerk must send the legislative body a list of inmates from whom reimbursement may be sought.

Reimbursement may be ordered as a condition of probation, and inmates are required to cooperate with a municipality seeking reimbursement.

Within one year after an inmate has been released, an attorney for the municipality may file a civil action to seek reimbursement. The court may enter a money judgment against the defendant and may order that his or her property is liable for reimbursement. The municipality may file an action to enforce the judgment, but a judgment may not be executed against the defendant's homestead.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Many cities, villages, and townships operate municipal jails or lockups and face significant costs to house inmates. East Lansing, for example, spends approximately \$500,000 per year to maintain its jail, according to Judiciary Committee testimony. With lower tax collections and reduced revenue sharing payments, municipalities are hurting financially, and some might have to close their jails unless they can obtain reimbursement from inmates. By redefining "municipality", the bill would give some additional cities, villages, and townships the authority to seek reimbursement. This could relieve the burden on taxpayers and allow the municipalities to use their limited revenue for other purposes.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on the State and an indeterminate fiscal impact on local governments. To the extent that additional municipalities could obtain prisoner reimbursement for certain costs related to jail commitments, some savings

could accrue to those municipalities in the form of reduced expenditures on local incarceration.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.