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BILL ANALYSIS

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Senate Bill 393 (as introduced 5-24-11)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 5-27-11

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 within a county that has a population of 500,000 or more. The bill, instead, would refer to a city, village, or township located within a district court district of the third class.

(The counties with a population of 500,000 or more are Kent, Macomb, Oakland, and Wayne. The counties that contain district courts 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 was enacted in 2006 to authorize a municipality to seek reimbursement from a 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 person's incarceration. A municipality may seek the following reimbursement:

- 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.

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