

# SENATE BILL No. 559

May 12, 2009, Introduced by Senators GARCIA and CROPSEY and referred to the Committee on Judiciary.

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 2008 PA 466.

**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:

(a) A violation or attempted violation of section ~~601d,~~

1 625(1), (3), (4), (5), (6), or (7), section 625m, **OR, BEGINNING**  
2 **OCTOBER 31, 2010, SECTION 601D** or section 626(3) or (4) of the  
3 Michigan vehicle code, 1949 PA 300, MCL 257.601d, 257.625,  
4 257.625m, and 257.626, or of a local ordinance substantially  
5 corresponding to section ~~601d(1)~~, 625(1), (3), or (6) or section  
6 625m **OR, BEGINNING OCTOBER 31, 2010, SECTION 601D(1)** or 626 of the  
7 Michigan vehicle code, 1949 PA 300, MCL 257.601d, 257.625,  
8 257.625m, and 257.626.

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

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

21 (d) A violation or attempted violation of section 81134 or  
22 81135 of the natural resources and environmental protection act,  
23 1994 PA 451, MCL 324.81134 and 324.81135.

24 (e) A violation or attempted violation of section 185 of the  
25 aeronautics code of the state of Michigan, 1945 PA 327, MCL  
26 259.185.

27 (f) A violation or attempted violation of section 80176(1),

1 (3), (4), or (5) of the natural resources and environmental  
2 protection act, 1994 PA 451, MCL 324.80176, or a local ordinance  
3 substantially corresponding to section 80176(1) or (3) of the  
4 natural resources and environmental protection act, 1994 PA 451,  
5 MCL 324.80176.

6 (g) A violation or attempted violation of section 353 **OR,**  
7 **BEFORE OCTOBER 31, 2010, SECTION 355** of the railroad code of 1993,  
8 1993 PA 354, MCL 462.353 **AND 462.355.**

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

11 (i) A finding of guilt for criminal contempt for a violation  
12 of a personal protection order issued under section 2950 or 2950a  
13 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950  
14 and 600.2950a, or for a violation of a foreign protection order  
15 that satisfies the conditions for validity provided in section  
16 2950i of the revised judicature act of 1961, 1961 PA 236, MCL  
17 600.2950i.

18 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, THE**  
19 expenses for which reimbursement may be ordered under this section  
20 include all of the following:

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

1 substances in the blood, breath, or urine.

2 (b) The salaries, wages, or other compensation, including  
3 overtime pay, of fire department and emergency medical service  
4 personnel, including volunteer fire fighters or volunteer emergency  
5 medical service personnel, for time spent in responding to and  
6 providing fire fighting, rescue, and emergency medical services in  
7 relation to the incident from which the conviction arose.

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

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

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

19 (i) Transportation costs.

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

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

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

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

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

24           (7) Notwithstanding any other provision of this section, a  
25 person shall not be imprisoned, jailed, or incarcerated for a  
26 violation of parole or probation, or otherwise, for failure to make  
27 a reimbursement as ordered under this section unless the court

1 determines that the person has the resources to pay the ordered  
2 reimbursement and has not made a good faith effort to do so.

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

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

20 **(10) AS PART OF THE SENTENCE FOR A CONVICTION OF ANY CRIME IN**  
21 **WHICH A CANINE UNIT WAS USED TO ASSIST IN THE ARREST OF THE PERSON**  
22 **CONVICTED, THE COURT MAY ORDER THE PERSON CONVICTED TO REIMBURSE**  
23 **THE LAW ENFORCEMENT AGENCY FOR CANINE UNIT COSTS.**

24 (11) ~~(10)~~As used in this section:

25 (a) "Aircraft" means that term as defined in section 4-2 of  
26 the aeronautics code of the state of Michigan, 1945 PA 327, MCL  
27 ~~259.4-259.2~~.

1           (B) "CANINE UNIT" MEANS 1 OR MORE DOGS USED BY A LAW  
2 ENFORCEMENT AGENCY TO ASSIST A LAW ENFORCEMENT OFFICER IN THE  
3 INVESTIGATION OF CRIME.

4           (C) "CANINE UNIT COSTS" MEANS COSTS INCURRED BY A LAW  
5 ENFORCEMENT AGENCY ASSOCIATED WITH A CASE, INCLUDING, BUT NOT  
6 LIMITED TO, DEPLOYING, TRANSPORTING, FEEDING, SHELTERING, AND  
7 PROVIDING VETERINARY CARE FOR THE DOGS OF A CANINE UNIT.

8           (D) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN  
9 SECTION 2 OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965  
10 PA 203, MCL 28.602.

11           (E) ~~(b)~~—"Local unit of government" means any of the following:

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

13           (ii) A local or intermediate school district.

14           (iii) A public school academy.

15           (iv) A community college.

16           (F) ~~(e)~~—"Motor vehicle" means that term as defined in section  
17 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

18           (G) ~~(d)~~—"ORV" means that term as defined in section 81101 of  
19 the natural resources and environmental protection act, 1994 PA  
20 451, MCL 324.81101.

21           (H) ~~(e)~~—"Snowmobile" means that term as defined in section  
22 82101 of the natural resources and environmental protection act,  
23 1994 PA 451, MCL 324.82101.

24           (I) ~~(f)~~—"State" includes, **BUT IS NOT LIMITED TO**, a state  
25 institution of higher education.

26           (J) ~~(g)~~—"Vessel" means that term as defined in section 80104  
27 of the natural resources and environmental protection act, 1994 PA

1 451, MCL 324.80104.