THE PRISONER REIMBURSEMENT TO THE COUNTY ACT

Act 118 of 1984

AN ACT regarding county jails and prisoners housed therein; to provide certain powers and duties of county officials; and to provide for the reimbursement of certain expenses incurred by counties in regard to prisoners confined in county jails.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1996, Act 544, Eff. Mar. 31, 1997

The People of the State of Michigan enact:

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801.81 Short title.

Sec. 1.

This act shall be known and may be cited as "the prisoner reimbursement to the county act."

History: 1984, Act 118, Imd. Eff. June 1, 1984

801.82 "County jail" defined.

Sec. 2.

For purposes of this act, "county jail" includes a house of correction under Act No. 278 of the Public Acts of 1911, being sections 802.202 to 802.204 of the Michigan Compiled Laws.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1985, Act 58, Imd. Eff. June 14, 1985

801.83 Reimbursement for expenses; form.

Sec. 3.

(1) The county may seek reimbursement for any expenses incurred by the county in relation to a charge for which a person was sentenced to a county jail as follows:

(a) From each person who is or was a prisoner, not more than $60.00 per day for the expenses of maintaining that prisoner or the actual per diem cost of maintaining that prisoner, whichever is less, for the entire period of time the person was confined in the county jail, including any period of pretrial detention.

(b) To investigate the financial status of the person.

(c) Any other expenses incurred by the county to collect payments under this act.

(2) Reimbursement under this act may be ordered as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3.

(3) Before seeking any reimbursement under this act, the county shall develop a form to be used for determining the financial status of prisoners. The form shall provide for obtaining the age and marital status of a prisoner, number and ages of children of a prisoner, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The county shall use the form when investigating the financial status of prisoners.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1994, Act 212, Imd. Eff. June 23, 1994 ;-- Am. 1996, Act 544, Eff. Mar. 31, 1997 ;-- Am. 1998, Act 450, Eff. Aug. 1, 1999

801.84 List.

Sec. 4.

At, and in accordance with, the request of the county board of commissioners or of the county executive or a designee of the county executive, the sheriff of the county shall forward to the board, county executive, or designee of the county executive a list containing the name of each sentenced prisoner and each pretrial detainee whose prosecution resulted in conviction for a felony, the term of sentence or the period of pretrial detention, and the date of admission, together with information regarding the financial status of each prisoner, as required by the county board of commissioners, the county executive, or designee of the county executive.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1996, Act 544, Eff. Mar. 31, 1997

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801.85 Cooperation of prisoner required; refusal to cooperate.

Sec. 5.

(1) A prisoner in a county jail shall cooperate with the county in seeking reimbursement under this act for expenses incurred by the county for that prisoner.

(2) A prisoner who willfully refuses to cooperate as provided in subsection (1) shall not receive a reduction in his or her term under section 7 of 1962 PA 60, MCL 801.257. If a prisoner is ordered to reimburse the county under this act as a probation condition entered pursuant to section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3, the prisoner is in addition subject to probation revocation as provided in section 4 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.4.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1998, Act 450, Eff. Aug. 1, 1999

801.86 Investigation of reports.

Sec. 6.

The county board of commissioners or the county executive may investigate or cause to be investigated all the reports under section 4 furnished by the sheriff for the purpose of securing reimbursement for the expenses incurred by the county in regard to prisoners as provided for under this act.

History: 1984, Act 118, Imd. Eff. June 1, 1984

801.87 Civil action for reimbursement; consideration by court; money judgment; order.

Sec. 7.

(1) Within 6 years after the release from a county jail of a sentenced prisoner or a pretrial detainee whose prosecution resulted in conviction for a felony, an attorney for that county may file a civil action to seek reimbursement from that person for maintenance and support of that person while he or she is or was confined in

the jail, or for any other expense for which the county may be reimbursed under section 3, as provided in this section and sections 8 to 10.

(2) A civil action brought under this act shall be instituted in the name of the county in which the jail is located and shall state the following, as applicable:

(a) In the case of a prisoner sentenced to the jail, the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the county pursuant to section 3.

(b) In the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction for a felony, the length of pretrial detention and the amount or amounts due to the county pursuant to section 3.

(3) Before entering any order on behalf of the county against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents and any moral obligation to support dependents to whom the defendant is providing or has in fact provided support.

(4) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as a prisoner and for other expenses reimbursable under section 3.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1994, Act 212, Imd. Eff. June 23, 1994 ;-- Am. 1996, Act 544, Eff. Mar. 31, 1997 ;-- Am. 2006, Act 127, Imd. Eff. May 2, 2006

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801.88 Civil action for reimbursement; circuit court; venue; ex parte restraining order; hearing on order to show cause; appointment of receiver.

Sec. 8.

(1) Consistent with section 7, the county may file the civil action in the circuit court. If the defendant is still a prisoner in the county jail or is a prisoner in a state correctional facility, venue is proper in the county in which the jail or correctional facility is located.

(2) If necessary to protect the county's right to obtain reimbursement under this act against the disposition of known property, the county, in accordance with rules of the supreme court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the county for the maintenance and support of the defendant as a prisoner.

(3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1996, Act 544, Eff. Mar. 31, 1997

801.89 Execution against homestead prohibited.

Sec. 9.

The county shall not enforce any judgment obtained under this act by means of execution against the homestead of the defendant.

History: 1984, Act 118, Imd. Eff. June 1, 1984

801.90 Civil action to recover and enforce money judgment; district court; venue.

Sec. 10.

Consistent with section 7, the county may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still a prisoner in the county jail, venue in a district of the first class is proper in the county where the county jail is located and in a district of the second or third class is proper in the district where the county jail is located. If the defendant is a prisoner in a state correctional facility, venue is proper in the county in which the state correctional facility is located.

History: 1984, Act 118, Imd. Eff. June 1, 1984 ;-- Am. 1996, Act 544, Eff. Mar. 31, 1997

801.91 Furnishing information and assistance to attorney.

Sec. 11.

The sentencing judge and the sheriff of any county in which a prisoner's property is located shall furnish to the attorney for the county all information and assistance possible to enable the attorney to secure reimbursement for the county under this act.

History: 1984, Act 118, Imd. Eff. June 1, 1984

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801.92 Disposition and use of reimbursements; sworn statements as evidence of amount due.

Sec. 12.

The reimbursements secured under this act shall be credited to the general fund of the county to be available for general fund purposes. The county treasurer may determine the amount due the county under this act and render sworn statements thereof. These sworn statements shall be considered prima facie evidence of the amount due.

History: 1984, Act 118, Imd. Eff. June 1, 1984

801.93 Conditional effective date.

Sec. 13.

This act shall not take effect unless all of the following bills of the 82nd Legislature are enacted into law:
(a) House Bill No. 4589.
(b) House Bill No. 5120.
(c) House Bill No. 5173.

History: 1984, Act 118, Imd. Eff. June 1, 1984
Compiler's Notes: The following House Bills referred to in MCL 801.93 were enacted into law as follows:House Bill No. 4589 was filed with the Secretary of State on June 1, 1984, and became P.A. 1984, No. 119, Imd. Eff. June 1, 1984.House Bill No. 5120 was filed with the Secretary of State on June 1, 1984, and became P.A. 1984, No. 120, Imd. Eff. June 1, 1984.House Bill No. 5173 was filed with the Secretary of State on June 1, 1984, and became P.A. 1984, No. 121, Imd. Eff. June 1, 1984.