

SENATE BILL NO. 198

March 12, 2019, Introduced by Senator LUCIDO and referred to the Committee on Judiciary and Public Safety.

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 2017 PA 241.

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

1 incurred in relation to that incident including, but not limited
2 to, expenses for an emergency response and expenses for prosecuting
3 the person, as provided in this section:

4 (a) A violation or attempted violation of section 601d,
5 section 625(1), (3), (4), (5), (6), or (7), section 625m, or
6 section 626(3) or (4) of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.601d, 257.625, 257.625m, and 257.626, or of a local
8 ordinance substantially corresponding to section 601d(1), 625(1),
9 (3), or (6) or section 625m or 626 of the Michigan vehicle code,
10 1949 PA 300, MCL 257.601d, 257.625, 257.625m, and 257.626.

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

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

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

26 (e) A violation or attempted violation of section 185 of the
27 aeronautics code of the state of Michigan, 1945 PA 327, MCL
28 259.185.

29 (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 of the
7 railroad code of 1993, 1993 PA 354, MCL 462.353.

8 (h) A violation or attempted violation of section 411a(1),
9 (2), or (4) of the Michigan penal code, 1931 PA 328, MCL 750.411a.

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

17 (j) A violation or attempted violation of section ~~(4)~~4 of the
18 public threat alert system act, 2016 PA 235, MCL 28.674.

19 (k) A violation or attempted violation of section 356c or 535
20 of the Michigan penal code, 1931 PA 328, MCL 750.356c and 750.535,
21 or a second or subsequent violation of section 356d of the Michigan
22 penal code, 1931 PA 328, MCL 750.356d.

23 (l) A finding of guilt for criminal contempt for failing to
24 appear in court as ordered by the court.

25 **(m) A violation or attempted violation of section 145d of the**
26 **Michigan penal code, 1931 PA 328, MCL 750.145d.**

27 (2) The expenses for which reimbursement may be ordered under
28 this section include all of the following:

29 (a) The salaries or wages, including overtime pay, of law

1 enforcement personnel for time spent responding to the incident
2 from which the conviction arose, arresting the person convicted,
3 processing the person after the arrest, preparing reports on the
4 incident, investigating the incident, transportation costs, and
5 collecting and analyzing evidence, including, but not limited to,
6 determining bodily alcohol content and determining the presence of
7 and identifying controlled substances in the blood, breath, or
8 urine.

9 (b) The salaries, wages, or other compensation, including
10 overtime pay, of fire department and emergency medical service
11 personnel, including volunteer fire fighters or volunteer emergency
12 medical service personnel, for time spent in responding to and
13 providing fire fighting, rescue, and emergency medical services in
14 relation to the incident from which the conviction arose.

15 (c) The cost of medical supplies lost or expended by fire
16 department and emergency medical service personnel, including
17 volunteer fire fighters or volunteer emergency medical service
18 personnel, in providing services in relation to the incident from
19 which the conviction arose.

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

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

26 (i) Transportation costs.

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

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

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

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

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

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

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

13 (9) As part of the sentence for a conviction of any violation
14 or attempted violation of chapter XXXIII, section 327, 327a, 328,
15 or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA
16 328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and
17 750.436, and 750.543a to 750.543z, or of the organized retail crime
18 act, 2012 PA 455, MCL 752.1081 to 752.1087, in addition to any
19 other penalty authorized by law, the court shall order the person
20 convicted to reimburse any government entity for expenses incurred
21 in relation to that incident including, but not limited to,
22 expenses for an emergency response and expenses for prosecuting the
23 person, as provided in subsections (2) to (8). As used in this
24 subsection, "government entity" means this state, a local unit of
25 government, or the United States government.

26 (10) As used in this section:

27 (a) "Aircraft" means that term as defined in section 2 of the
28 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

29 (b) "Local unit of government" means any of the following:

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

2 (ii) A local or intermediate school district.

3 (iii) A public school academy.

4 (iv) A community college.

5 (c) "Motor vehicle" means that term as defined in section 33
6 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

7 (d) "ORV" means that term as defined in section 81101 of the
8 natural resources and environmental protection act, 1994 PA 451,
9 MCL 324.81101.

10 (e) "Snowmobile" means that term as defined in section 82101
11 of the natural resources and environmental protection act, 1994 PA
12 451, MCL 324.82101.

13 (f) "State" includes a state institution of higher education.

14 (g) "Vessel" means that term as defined in section 80104 of
15 the natural resources and environmental protection act, 1994 PA
16 451, MCL 324.80104.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. 197 of the 100th Legislature is enacted into
21 law.