

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5432**

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

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

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

19 (d) A violation or attempted violation of section 81134 or  
20 81135 of the natural resources and environmental protection act,  
21 1994 PA 451, MCL 324.81134 and 324.81135.

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

25 (f) A violation or attempted violation of section 80176(1),  
26 (3), (4), or (5) of the natural resources and environmental  
27 protection act, 1994 PA 451, MCL 324.80176, or a local ordinance

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

4 (g) A violation or attempted violation of section 353 of the  
5 railroad code of 1993, 1993 PA 354, MCL 462.353.

6 (h) A violation or attempted violation of section ~~411a(2)~~  
7 **411A(1), (2), OR (4)** of the Michigan penal code, 1931 PA 328, MCL  
8 750.411a.

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

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

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

26 (b) The salaries, wages, or other compensation, including  
27 overtime pay, of fire department and emergency medical service

1 personnel, including volunteer fire fighters or volunteer emergency  
2 medical service personnel, for time spent in responding to and  
3 providing fire fighting, rescue, and emergency medical services in  
4 relation to the incident from which the conviction arose.

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

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

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

16 (i) Transportation costs.

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

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

25 (4) The amount ordered to be paid under this section shall be  
26 paid to the clerk of the court, who shall transmit the appropriate  
27 amount to the unit or units of government named in the order to

1 receive reimbursement. If not otherwise provided by the court under  
2 this subsection, the reimbursement ordered under this section shall  
3 be made immediately. However, the court may require that the person  
4 make the reimbursement ordered under this section within a  
5 specified period or in specified installments.

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

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

21 (7) Notwithstanding any other provision of this section, a  
22 person shall not be imprisoned, jailed, or incarcerated for a  
23 violation of parole or probation, or otherwise, for failure to make  
24 a reimbursement as ordered under this section unless the court  
25 determines that the person has the resources to pay the ordered  
26 reimbursement and has not made a good faith effort to do so.

27 (8) A local unit of government may elect to be reimbursed for

1 expenses under this section or a local ordinance, or a combination  
2 of this section and a local ordinance. This subsection does not  
3 allow a local unit of government to be fully reimbursed more than  
4 once for any expense incurred by that local unit of government.

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

17 (10) As used in this section:

18 (a) "Aircraft" means that term as defined in section 4-2 of  
19 the aeronautics code of the state of Michigan, 1945 PA 327, MCL  
20 ~~259.4-259.2~~.

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

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

23 (ii) A local or intermediate school district.

24 (iii) A public school academy.

25 (iv) A community college.

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

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

4 (e) "Snowmobile" means that term as defined in section 82101  
5 of the natural resources and environmental protection act, 1994 PA  
6 451, MCL 324.82101.

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

8 (g) "Vessel" means that term as defined in section 80104 of  
9 the natural resources and environmental protection act, 1994 PA  
10 451, MCL 324.80104.

11 Enacting section 1. This amendatory act takes effect <<January 1,  
12 2013.>>

13 Enacting section 2. This amendatory act does not take effect  
14 unless House Bill No. 5431 of the 96th Legislature is enacted into  
15 law.