



HOUSE BILL No. 5708

March 26, 1996, Introduced by Reps. Perricone, Bullard, Rocca, Hill, Horton, Middaugh, Weeks, Tesanovich, Jellema, Byl, Ryan, Dobb, Gernaat and Bush and referred to the Committee on Judiciary and Civil Rights.

A bill to amend chapter IX of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 769.1 to 769.34 of the Michigan Compiled Laws, by adding section 1f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter IX of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 769.1 to 769.34 of the Michigan
3 Compiled Laws, is amended by adding section 1f to read as
4 follows:

5 CHAPTER IX

6 SEC. 1F. (1) AS PART OF THE SENTENCE FOR A CONVICTION OF
7 ANY OF THE FOLLOWING OFFENSES, IN ADDITION TO ANY OTHER PENALTY
8 AUTHORIZED BY LAW, THE COURT MAY ORDER THE PERSON CONVICTED TO
9 REIMBURSE THE STATE OR A LOCAL UNIT OF GOVERNMENT FOR EXPENSES OF

1 AN EMERGENCY RESPONSE TO THE INCIDENT FROM WHICH THE CONVICTION
2 AROSE, AND OTHER EXPENSES INCURRED IN RELATION TO THAT INCIDENT
3 AND TO THE PROSECUTION OF THE PERSON, AS PROVIDED IN THIS
4 SECTION:

5 (A) A VIOLATION OF SECTION 625(1), (3), (4), OR (5) OF THE
6 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
7 BEING SECTION 257.625 OF THE MICHIGAN COMPILED LAWS, OR OF A
8 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR
9 (3) OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949.

10 (B) FELONIOUS DRIVING, NEGLIGENT HOMICIDE, OR MANSLAUGHTER,
11 RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, SNOWMOBILE, ORV,
12 AIRCRAFT, VESSEL, OR LOCOMOTIVE ENGINE WHILE THE PERSON WAS
13 IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
14 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 7104 OF THE PUBLIC
15 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-
16 TION 333.7104 OF THE MICHIGAN COMPILED LAWS, OR A COMBINATION OF
17 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD AN UNLAW-
18 FUL BLOOD ALCOHOL CONTENT.

19 (C) A VIOLATION OF SECTION 82127(1), (3), (4), OR (5) OF THE
20 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451
21 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.82127 OF THE
22 MICHIGAN COMPILED LAWS.

23 (D) A VIOLATION OF SECTION 81134 OR 81135 OF ACT NO. 451 OF
24 THE PUBLIC ACTS OF 1994, BEING SECTIONS 324.81134 AND 324.81135
25 OF THE MICHIGAN COMPILED LAWS.

1 (E) A VIOLATION OF SECTION 185 OF THE AERONAUTICS CODE OF
2 THE STATE OF MICHIGAN, ACT NO. 327 OF THE PUBLIC ACTS OF 1945,
3 BEING SECTION 259.185 OF THE MICHIGAN COMPILED LAWS.

4 (F) A VIOLATION OF SECTION 80176(1), (3), (4), OR (5) OF ACT
5 NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.80176 OF
6 THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY
7 CORRESPONDING TO SECTION 80176(1) OR (3).

8 (G) A VIOLATION OF SECTION 353 OR 355 OF THE RAILROAD CODE
9 OF 1993, ACT NO. 354 OF THE PUBLIC ACTS OF 1993, BEING SECTIONS
10 462.353 AND 462.355 OF THE MICHIGAN COMPILED LAWS.

11 (2) THE EXPENSES FOR WHICH REIMBURSEMENT MAY BE ORDERED
12 UNDER THIS SECTION INCLUDE ALL OF THE FOLLOWING:

13 (A) THE SALARIES OR WAGES, INCLUDING OVERTIME PAY, OF LAW
14 ENFORCEMENT PERSONNEL FOR TIME SPENT RESPONDING TO THE INCIDENT
15 FROM WHICH THE CONVICTION AROSE, ARRESTING THE PERSON CONVICTED,
16 PROCESSING THE PERSON AFTER THE ARREST, PREPARING REPORTS ON THE
17 INCIDENT, INVESTIGATING THE INCIDENT, AND COLLECTING AND ANALYZ-
18 ING EVIDENCE, INCLUDING DETERMINING BLOOD ALCOHOL CONTENT AND
19 DETERMINING THE PRESENCE OF AND IDENTIFYING CONTROLLED SUBSTANCES
20 IN THE BLOOD.

21 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING
22 OVERTIME PAY, OF FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE
23 PERSONNEL, INCLUDING VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMER-
24 GENCY MEDICAL SERVICE PERSONNEL, FOR TIME SPENT IN RESPONDING TO
25 AND PROVIDING FIRE FIGHTING, RESCUE, AND EMERGENCY MEDICAL SERV-
26 ICES IN RELATION TO THE INCIDENT FROM WHICH THE CONVICTION
27 AROSE.

1 (C) THE COST OF MEDICAL SUPPLIES LOST OR EXPENDED BY FIRE
2 DEPARTMENT AND EMERGENCY MEDICAL SERVICE PERSONNEL, INCLUDING
3 VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMERGENCY MEDICAL SERVICE
4 PERSONNEL, IN PROVIDING SERVICES IN RELATION TO THE INCIDENT FROM
5 WHICH THE CONVICTION AROSE.

6 (3) IF POLICE, FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE
7 PERSONNEL FROM MORE THAN 1 UNIT OF GOVERNMENT INCURRED EXPENSES
8 AS DESCRIBED IN SUBSECTION (2), THE COURT MAY ORDER THE PERSON
9 CONVICTED TO REIMBURSE EACH UNIT OF GOVERNMENT FOR THE EXPENSES
10 IT INCURRED.

11 (4) THE AMOUNT ORDERED TO BE PAID UNDER THIS SECTION SHALL
12 BE PAID TO THE CLERK OF THE COURT, WHO SHALL TRANSMIT THE APPRO-
13 PRIATE AMOUNT TO THE UNIT OR UNITS OF GOVERNMENT NAMED IN THE
14 ORDER TO RECEIVE REIMBURSEMENT. IF NOT OTHERWISE PROVIDED BY THE
15 COURT UNDER THIS SUBSECTION, THE REIMBURSEMENT ORDERED UNDER THIS
16 SECTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE COURT MAY
17 REQUIRE THAT THE PERSON MAKE THE REIMBURSEMENT ORDERED UNDER THIS
18 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

19 (5) IF THE PERSON CONVICTED IS PLACED ON PROBATION OR
20 PAROLED, ANY REIMBURSEMENT ORDERED UNDER THIS SECTION SHALL BE A
21 CONDITION OF THAT PROBATION OR PAROLE. THE COURT MAY REVOKE PRO-
22 BATION AND THE PAROLE BOARD MAY REVOKE PAROLE IF THE PERSON FAILS
23 TO COMPLY WITH THE ORDER AND IF THE PERSON HAS NOT MADE A GOOD
24 FAITH EFFORT TO COMPLY WITH THE ORDER. IN DETERMINING WHETHER TO
25 REVOKE PROBATION OR PAROLE, THE COURT OR PAROLE BOARD SHALL CON-
26 sider THE PERSON'S EMPLOYMENT STATUS, EARNING ABILITY, NUMBER OF
27 DEPENDENTS, AND FINANCIAL RESOURCES, THE WILLFULNESS OF THE

1 PERSON'S FAILURE TO PAY, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT
2 MAY HAVE A BEARING ON THE PERSON'S ABILITY TO PAY.

3 (6) AN ORDER FOR REIMBURSEMENT UNDER THIS SECTION MAY BE
4 ENFORCED BY THE PROSECUTING ATTORNEY OR THE STATE OR LOCAL UNIT
5 OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE THE REIMBURSEMENT IN
6 THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

7 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
8 PERSON SHALL NOT BE IMPRISONED, JAILED, OR INCARCERATED FOR A
9 VIOLATION OF PAROLE OR PROBATION, OR OTHERWISE, FOR FAILURE TO
10 MAKE A REIMBURSEMENT AS ORDERED UNDER THIS SECTION UNLESS THE
11 COURT DETERMINES THAT THE PERSON HAS THE RESOURCES TO PAY THE
12 ORDERED REIMBURSEMENT AND HAS NOT MADE A GOOD FAITH EFFORT TO DO
13 SO.

14 (8) AS USED IN THIS SECTION:

15 (A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 4 OF
16 ACT NO. 327 OF THE PUBLIC ACTS OF 1945, BEING SECTION 259.4 OF
17 THE MICHIGAN COMPILED LAWS.

18 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE, TOWN-
19 SHIP, OR COUNTY.

20 (C) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 33
21 OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.33
22 OF THE MICHIGAN COMPILED LAWS.

23 (D) "ORV" MEANS THAT TERM AS DEFINED IN SECTION 81101 OF ACT
24 NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.81101 OF
25 THE MICHIGAN COMPILED LAWS.

1 (E) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 80104 OF
2 ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.80104
3 OF THE MICHIGAN COMPILED LAWS.