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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 25

Sponsor: Senator Harmon Cropsey

Committee: Criminal Justice and Urban Affairs

Date Completed: 2-22-89

SUMMARY OF SENATE BILL 25 as introduced 1-11-89:

The bill would amend the Code of Criminal Procedure to allow a court to order a person convicted of certain alcohol- or drug-related driving offenses to reimburse the State or a local unit of government for medical and personnel expenses of an emergency response to the incident out of which the conviction arose, and expenses incurred in the prosecution of the person for that incident. The bill would apply to offenses relating to the operation of a motor vehicle, snowmobile, off-road vehicle (ORV), aircraft, vessel, or locomotive engine. The total amount a defendant was ordered to pay could not exceed \$500 unless the incident involved the operation of an aircraft or train, resulted in death to one or more persons or injury to three or more persons, or involved three or more vehicles.

A reimbursement requirement could be imposed as part of a sentence for a person convicted of operating any of the types of vehicles to which the bill would apply while under the influence of liquor or a controlled substance, or while visibly impaired due to the consumption of liquor or a controlled substance. In addition, a conviction for an offense of felonious driving, negligent homicide, or manslaughter, that resulted from the operation of a motor vehicle, snowmobile, ORV, aircraft, boat, or train while the operator was impaired by or under the influence of liquor or a controlled substance could result in a reimbursement order.

The expenses for which reimbursement could be ordered include the salaries or wages, including overtime pay, of law enforcement personnel for time spent responding to and investigating the incident, arresting the person involved, and preparing reports and evidence. A reimbursement order also could cover the salaries and wages and other compensation for fire department and emergency medical service personnel for time spent responding to the incident and providing services relating to the incident, and the cost of medical supplies lost or expended by them.

The reimbursement would have to be paid to the clerk of the court. The clerk then would have to transmit the appropriate amount to the unit or units of

government named in the reimbursement order. Unless specified otherwise by the court, the reimbursement ordered under the bill would have to be made immediately. The court could require, however, that the person reimburse the costs within a specified period or in specified installments.

If the convicted person were sentenced to probation or paroled from incarceration, any reimbursement that was ordered would have to be a condition of probation or parole. If the person failed to comply with the reimbursement order, and had not made a "good faith effort" to do so, parole or probation could be revoked. When determining whether to revoke probation or parole, the court or parole board would have to consider the person's employment status, earning ability, number of dependents, and financial resources, the willfulness of the failure to pay, and other circumstances that had a bearing on his or her ability to pay. A person could not be incarcerated for failure to make a reimbursement unless the court determined that he or she had the resources to pay and had not made a good faith effort to do so.

Reimbursement orders made under the bill could be enforced by the prosecuting attorney for the unit of government to be reimbursed.

Proposed MCL 769.1e

Legislative Analyst: P. Affholter

FISCAL IMPACT

In 1987, there were approximately 64,000 arrests made in Michigan for drunk driving (OUIL). The Michigan State Police (MSP) was involved in 10,000 or 16% of these OUIL arrests. In 1987, there also were 34,465 drinking involved accidents which resulted in personal injury, personal damage, or fatality, all of which required emergency response. If one assumes that the MSP was also involved in 16% of these accidents (since the MSP does not break down arrests by "emergency response") and that the average accident and arrest required three hours time (includes time from initial contact, arrest, breath testing and lodging processing), the potential annual State revenue would be: 5,514 annual accidents X \$150/accident = \$827,100.

The revenue impact on local units would vary depending on the type of emergency unit sent (i.e., police or fire), local costs, and number of accidents per year. As a comparison, the City of Lansing estimates that, on average, it costs \$130 to respond to an accident (75 cents/minute for two officer patrol cars and/or \$1.15/minute for a fire engine.)

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.