

# HOUSE BILL No. 4692

April 24, 1989, Introduced by Reps. Gubow, Weeks, Kosteva, Munsell, Strand, Willis Bullard, Berman, Johnson, Gire, Pitoniak, Dolan and DeMars and referred to the Committee on Judiciary.

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 769.28 of the Michigan Compiled Laws, by adding section 1e.

## 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 769.28 of the Michigan  
3 Compiled Laws, is amended by adding section 1e to read as  
4 follows:

## 5 CHAPTER IX

6 SEC. 1E. (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) OR (2) OR SECTION 625B OF  
6 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF  
7 1949, BEING SECTIONS 257.625 AND 257.625B OF THE MICHIGAN  
8 COMPILED LAWS, OR OF A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-  
9 ING TO SECTION 625(1) OR (2) OR SECTION 625B OF ACT NO. 300 OF  
10 THE PUBLIC ACTS OF 1949.

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

20 (C) A VIOLATION OF SECTION 15(B) OF ACT NO. 74 OF THE PUBLIC  
21 ACTS OF 1968, BEING SECTION 257.1515 OF THE MICHIGAN COMPILED  
22 LAWS.

23 (D) A VIOLATION OF SECTION 20(B) OF ACT NO. 319 OF THE  
24 PUBLIC ACTS OF 1975, BEING SECTION 257.1620 OF THE MICHIGAN  
25 COMPILED LAWS.

1 (E) A VIOLATION OF SECTION 185(3) 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 73 OR 73B OF THE MARINE SAFETY  
5 ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTIONS  
6 281.1073 AND 281.1073B OF THE MICHIGAN COMPILED LAWS, IF THE  
7 PERSON OPERATED, PROPELLED, OR WAS IN PHYSICAL CONTROL OF THE  
8 VESSEL.

9 (G) A VIOLATION OF SECTION 2 OR 3 OF ACT NO. 4 OF THE PUBLIC  
10 ACTS OF 1986, BEING SECTIONS 470.202 AND 470.203 OF THE MICHIGAN  
11 COMPILED LAWS.

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

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

22 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING  
23 OVERTIME PAY, OF FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE  
24 PERSONNEL, INCLUDING VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMER-  
25 GENCY MEDICAL SERVICE PERSONNEL, FOR TIME SPENT IN RESPONDING TO,  
26 AND PROVIDING, FIRE FIGHTING, RESCUE, AND EMERGENCY MEDICAL

1 SERVICES IN RELATION TO THE INCIDENT FROM WHICH THE CONVICTION  
2 AROSE.

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

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

13 (4) THE TOTAL AMOUNT ORDERED TO BE PAID UNDER THIS SECTION  
14 SHALL NOT EXCEED \$500.00, UNLESS 1 OR MORE OF THE FOLLOWING CIR-  
15 CUMSTANCES EXIST:

16 (A) THE CONVICTION RESULTED FROM THE OPERATION OF AN  
17 AIRCRAFT.

18 (B) THE CONVICTION RESULTED FROM THE OPERATION OF A LOCOMO-  
19 TIVE ENGINE.

20 (C) THE INCIDENT FROM WHICH THE CONVICTION AROSE INVOLVED 3  
21 OR MORE MOTOR VEHICLES, SNOWMOBILES, ORV'S, OR VESSELS.

22 (D) THE INCIDENT FROM WHICH THE CONVICTION AROSE RESULTED IN  
23 INJURY TO 3 OR MORE PERSONS, OR DEATH TO 1 OR MORE PERSONS.

24 (5) THE AMOUNT ORDERED TO BE PAID UNDER THIS SECTION SHALL  
25 BE PAID TO THE CLERK OF THE COURT, WHO SHALL TRANSMIT THE APPRO-  
26 PRIATE AMOUNT TO THE UNIT OR UNITS OF GOVERNMENT NAMED IN THE  
27 ORDER TO RECEIVE REIMBURSEMENT. IF NOT OTHERWISE PROVIDED BY THE

1 COURT UNDER THIS SUBSECTION, THE REIMBURSEMENT ORDERED UNDER THIS  
2 SECTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE COURT MAY  
3 REQUIRE THAT THE PERSON MAKE THE REIMBURSEMENT ORDERED UNDER THIS  
4 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

5 (6) IF THE PERSON CONVICTED IS PLACED ON PROBATION OR  
6 PAROLED, ANY REIMBURSEMENT ORDERED UNDER THIS SECTION SHALL BE A  
7 CONDITION OF THAT PROBATION OR PAROLE. THE COURT MAY REVOKE PRO-  
8 BATION, AND THE PAROLE BOARD MAY REVOKE PAROLE, IF THE PERSON  
9 FAILS TO COMPLY WITH THE ORDER AND IF THE PERSON HAS NOT MADE A  
10 GOOD FAITH EFFORT TO COMPLY WITH THE ORDER. IN DETERMINING  
11 WHETHER TO REVOKE PROBATION OR PAROLE, THE COURT OR PAROLE BOARD  
12 SHALL CONSIDER THE PERSON'S EMPLOYMENT STATUS, EARNING ABILITY,  
13 NUMBER OF DEPENDENTS, FINANCIAL RESOURCES, THE WILLFULNESS OF THE  
14 PERSON'S FAILURE TO PAY, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT  
15 MAY HAVE A BEARING ON THE PERSON'S ABILITY TO PAY.

16 (7) AN ORDER FOR REIMBURSEMENT UNDER THIS SECTION MAY BE  
17 ENFORCED BY THE PROSECUTING ATTORNEY OF THE STATE OR LOCAL UNIT  
18 OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE THE REIMBURSEMENT IN  
19 THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

20 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A  
21 PERSON SHALL NOT BE IMPRISONED, JAILED, OR INCARCERATED FOR A  
22 VIOLATION OF PAROLE OR PROBATION, OR OTHERWISE, FOR FAILURE TO  
23 MAKE A REIMBURSEMENT AS ORDERED UNDER THIS SECTION UNLESS THE  
24 COURT DETERMINES THAT THE PERSON HAS THE RESOURCES TO PAY THE  
25 ORDERED REIMBURSEMENT AND HAS NOT MADE A GOOD FAITH EFFORT TO DO  
26 SO.

1 (9) AS USED IN THIS SECTION:

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

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

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

10 (D) "ORV" MEANS THAT TERM AS DEFINED IN SECTION 1 OF ACT  
11 NO. 319 OF THE PUBLIC ACTS OF 1975, BEING SECTION 257.1601 OF THE  
12 MICHIGAN COMPILED LAWS.

13 (E) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 6 OF ACT  
14 NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTION 281.1006 OF THE  
15 MICHIGAN COMPILED LAWS.