

Legislative Analysis



JAIL REIMBURSEMENT BY INMATES: ALLOW FOR ALL MUNICIPALITIES

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House Bill 6156

Sponsor: Rep. Mark Meadows

Committee: Judiciary

Complete to 8-24-10

A SUMMARY OF HOUSE BILL 6156 AS INTRODUCED 5-11-10

The bill would allow any city, village, or township that operates a jail or lockup to seek reimbursement from a person who was or had been a convicted inmate in the municipal jail, or incarcerated in a county jail, for expenses incurred by the municipality for that person's incarceration.

The Inmate Reimbursement to Municipalities Act allows a city, village, or township in a county with a population of 500,000 or more (Wayne, Oakland, Macomb, and Kent) to seek reimbursement from a person who is or was in a municipal jail or in a county jail, for expenses the municipality incurred in relation to the person's incarceration.

A municipality may be reimbursed up to \$60 per day for incarceration in a municipal jail; the per-day cost charged to a municipality by a county for housing the inmate in the county jail, not to exceed \$60 per day; the cost of providing medical care, prescription drugs, dental care, and other medical services; the cost of investigating the financial status of the person in determining the ability to bear the reimbursement; and any other expenses incurred by the municipality in collecting payments allowed by the act. The act prohibits a municipality from enforcing a judgment against the defendant's homestead.

The act also requires an inmate in a municipal or county jail to cooperate with the municipality seeking reimbursement. An inmate who willfully refuses to cooperate cannot receive a reduction in his or her term as allowed under Public Act 60 of 1962 (a reduction of one-fourth of the term, subject to court approval, if the inmate's conduct, diligence, and general attitude merited the reduction). Reimbursement may be ordered as a probation condition and failure to reimburse the municipality subjects the inmate to probation revocation.

House Bill 6156 would amend the Inmate Reimbursement to Municipalities Act to eliminate the population quota restriction and instead apply the act to any city, village, or township – regardless of the size of the county – that operates a municipal jail or lockup. Under the bill, any municipality could seek reimbursement from an inmate for allowable expenses.

MCL 801.312

FISCAL IMPACT:

The bill could increase both costs and revenues for municipalities that are in counties that have populations of less than 500,000. The bill authorizes these municipalities to seek reimbursement for incarceration costs from convicted inmates who were housed in a municipal jail, or in a county jail where incarceration expenses are charged to the municipality. Municipalities choosing to seek reimbursement would be required to investigate an offender's financial status to determine ability to pay, which would increase local administrative costs. To the extent that the municipality was eventually successful in obtaining reimbursement, local revenues would increase. Presumably, local governments would only continue to make reimbursement efforts if revenue collections were shown to exceed the increased administrative costs.

Under current law, an inmate who refuses to cooperate with the attempt by a municipality to receive reimbursement for incarceration expenses would be ineligible for certain jail term reductions allowed in statute and could be subject to probation revocation if applicable. To the extent that offenders served more time in a local jail or state prison than they otherwise would have as a result of non-cooperation with reimbursement efforts, local or state costs would further increase.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.