

Legislative Analysis



JAIL REIMBURSEMENT BY INMATES: ALLOW FOR 3RD CLASS COURT DISTRICTS

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House Bill 6156 (Substitute H-1)
Sponsor: Rep. Mark Meadows
Committee: Judiciary

First Analysis (9-15-10)

BRIEF SUMMARY: The bill would allow any city, village, or township in a district court district of the third class 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.

FISCAL IMPACT: The bill would have indeterminate fiscal implications for municipalities affected by the legislation as discussed later in the analysis.

THE APPARENT PROBLEM:

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 related to the person's incarceration.

A municipality may be reimbursed the following: 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 to determine 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 merits the reduction). Reimbursement may be ordered as a probation condition and failure to reimburse the municipality subjects the inmate to probation revocation.

One problem with the law that has come to light is that not all municipalities charged by a county for housing local inmates that have been transferred to the county jail are able to recoup those costs from the inmate. Depending on how the district court district is funded, the county either bears responsibility for the costs to house an inmate who

violated a local ordinance or is permitted under law to charge those costs back to the municipality. Only those municipalities in one of the four counties listed above, however, can seek reimbursement from the inmate for those costs. For instance, the district courts in both the City of Plymouth and the City of East Lansing are district court districts of the third class. District court districts of the third class are made up of one or more cities or townships in which each city or township is responsible for maintaining, financing, and operating the district court within its respective boundaries. Since a district court district of the third class retains all of its fine revenue collected from ordinance violations rather than sharing it with the county, the county may charge back the cost of housing ordinance violators transferred to the county jail. Under current law, the City of Plymouth can recoup charges by the Wayne County Jail for housing inmates sent there for ordinance violations, but the City of East Lansing cannot seek reimbursement from ordinance violators sent to the Ingham County Jail.

In addition, it has been pointed out that many local police departments are understaffed and suffering under the extended recession. Budgets are strained and some departments are finding it difficult to fund the continued operation of their jails. Local jails and lockups are needed because they relieve overcrowding in county jails and enable police to hold persons who pose a danger to themselves or others if released, such as drunk drivers. Some feel that if all the municipalities responsible for their court funding could seek reimbursement from jail inmates, it may prevent layoffs of police officers or other necessary staff such as 9-1-1 operators.

THE CONTENT OF THE BILL:

House Bill 6156 would amend the Inmate Reimbursement to Municipalities Act to eliminate the county population quota restriction and instead apply the act to any city, village, or township located in a district court district of the third class that operates a municipal jail or lockup. Under the bill, only those municipalities having a jail or lockup and that are located in a district court district of the third class could seek reimbursement from an inmate for allowable expenses.

(District court districts of the third class are made up of one or more cities or townships in which each city or township is responsible for maintaining, financing, and operating the district court within its respective boundaries.)

MCL 801.312

FISCAL INFORMATION:

House Bill 6156 could increase both costs and revenues for municipalities that operate jails within district court districts of the third class. 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.

ARGUMENTS:

For:

Simply put, some municipalities that can be charged by a county for costs incurred in housing persons transferred to the county jail for violations of local ordinances are able in turn to seek reimbursement of those costs from the violators while similarly situated municipalities cannot. Some municipalities can seek reimbursement from inmates housed in their own city jails or lockups while similar municipalities cannot. Only municipalities located in Kent, Oakland, Wayne, or Macomb Counties are currently eligible to seek reimbursement from prisoners. The bill would enable all municipalities located in district court districts of the third class that operate jails or lockups – not just those in the four eligible counties – to have the same ability to seek reimbursement from inmates. Unlike district court districts of the first and second class, district courts of the third class are fully self-funded; they do not receive funding from the county. Thus, the additional revenue collected under the bill is sorely needed to support local law enforcement efforts and may enable struggling municipalities to continue to operate their jails rather than having to choose between closing their jails and laying off police officers or other necessary support staff.

POSITIONS:

A representative of the City of East Lansing testified in support of the bill. (8-25-10)

The Michigan Association of Chiefs of Police submitted a letter supporting the concept of the bill. (8-25-10)

The Michigan Department of Corrections indicated a position of neutrality on the bill. (8-25-10)

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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.