

SFA

BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 106 (as enrolled) (Public Act 272 of 1987)**Senate Bill 167** (as enrolled) (Public Act 271 of 1987)**Senate Bill 168** (as enrolled) (Public Act 268 of 1987)**Sponsor:** Senator Nick Smith**First Senate Committee:** Criminal Justice, Urban Affairs, and Economic Development (Senate Bill 106)**Second Senate Committee:** Appropriations**House Committee:** Corrections**Date Completed:** 2-23-88***SUMMARY OF SENATE BILLS 106, 167, and 168 as enrolled:***

Senate Bills 106, 167, and 168 would amend various Acts to change the way counties are reimbursed for expenses relating to the prosecution of felony offenses committed by State prisoners during periods of, or escape from, incarceration.

Senate Bill 106

The bill would amend Public Act 16 of 1978 to provide, in cases involving incarcerated or escaped State prisoners, for the reimbursement by the State of prosecuting attorneys' fees based on actual time spent in prosecuting cases and calculated at a rate equal to 70% of the hourly rate or flat fee paid to court-appointed attorneys. There would be a limit of \$1,000, however, unless the case involved 12 or more hours of actual trial time or involved a felony offense for which the maximum punishment is life imprisonment, in which case the maximum allowable reimbursement would be \$10,000. The bill also would incorporate provisions requiring the State to reimburse a county for reasonable and actual costs incurred for jurors' fees, witness fees, fees of court-appointed defense attorneys and transcript fees. (These provisions are found either in the Code of Criminal Procedure (for new felony cases) or Public Act 232 of 1953 (for cases involving escape from State custody) and would be removed from those Acts by Senate Bills 167 and 168.)

Under Senate Bill 106, before October 1, 1988, a county would have to submit its itemized costs to the Department of Corrections. On and after October 1, 1988, the itemized costs would have to be submitted to the Department of Management and Budget. The Department to which costs were submitted would have to make a conclusive determination of the reasonableness of the costs.

The bill also would increase from \$20 to \$35 the per-day maximum amount that the Department of Corrections is required to reimburse a county for holding an apprehended State-committed prisoner who had escaped, not returned pursuant to an agreement, or violated the terms of his or her parole.

The bill would take effect on April 1, 1988.

MCL 800.452 and 800.454

Senate Bill 167

The bill would amend Public Act 232 of 1953 to remove a requirement that the State "reimburse each county in which a state penal institution is located for reasonable costs

incurred by that county in the prosecution of escape cases". The bill also would delete provisions that require each county's itemized costs to be submitted monthly to the Department of Corrections and that specify that the Department's determination of reasonableness is conclusive.

MCL 791.265a

Senate Bill 168

The Code of Criminal Procedure provides for the prosecution of persons who commit a criminal offense while confined in a penal or reformatory institution. Senate Bill 168 would amend the Code to delete a provision that specifies that, in such cases, "jurors' fees, witness fees and fees of attorneys appointed by the court under the statute, for the defendant, shall be approved by the circuit judge and audited and allowed by the board of state auditors and paid by the state treasurer upon the warrant of the auditor general".

MCL 768.7

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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.