

# HOUSE BILL No. 4401

March 4, 1997, Introduced by Reps. Gire, Callahan, DeHart, Cherry, Rocca, Brewer, Scott, Goschka, Willard, Raczkowski, Bodem, Hale, Bogardus, Brown and Dalman and referred to the Committee on Corrections.

A bill to amend 1984 PA 118, entitled  
"The prisoner reimbursement to the county act,"  
by amending section 7 (MCL 801.87), as amended by 1996 PA 544.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7. (1) Within ~~12 months~~ 6 YEARS after the release  
2 from a county jail of a sentenced prisoner or a pretrial detainee  
3 whose prosecution resulted in conviction for a felony, ~~an attorney~~  
4 ~~may file that~~ A county DESIGNEE may file a civil action to seek  
5 reimbursement from that person for maintenance and support of  
6 that person while he or she is or was confined in the jail, or  
7 for any other expense for which the county may be reimbursed  
8 under section 3, as provided in this section and sections 8  
9 to 10. BEFORE FILING AN ACTION UNDER THIS SECTION, THE COUNTY  
10 SHALL TAKE INTO CONSIDERATION ALL OF THE FACTORS LISTED IN  
11 SUBSECTION (3) REGARDING THE PRISONER'S LEGAL AND MORAL

1 OBLIGATIONS TO PROVIDE SUPPORT. AS USED IN THIS SUBSECTION,  
2 "COUNTY DESIGNEE" MEANS A PERSON DESIGNATED BY THE COUNTY BOARD  
3 OF COMMISSIONERS FOR THAT COUNTY OR, IF THE COUNTY IS ORGANIZED  
4 UNDER 1973 PA 139, MCL 45.551 TO 45.573, OR UNDER 1966 PA 293,  
5 MCL 45.501 TO 45.521, A PERSON DESIGNATED BY THE COUNTY MANAGER,  
6 THE CHIEF ADMINISTRATIVE OFFICER, OR THE ELECTED COUNTY  
7 EXECUTIVE.

8 (2) A civil action brought under this act shall be insti-  
9 tuted in the name of the county in which the jail is located and  
10 shall state the following, as applicable:

11 (a) In the case of a prisoner sentenced to the jail, the  
12 date and place of sentence, the length of time set forth in the  
13 sentence, the length of time actually served, and the amount or  
14 amounts due to the county pursuant to section 3.

15 (b) In the case of a person imprisoned as a pretrial  
16 detainee on a charge or charges that resulted in conviction for a  
17 felony, the length of pretrial detention and the amount or  
18 amounts due to the county pursuant to section 3.

19 (3) Before entering any order on behalf of the county  
20 against the defendant, the court shall take into consideration  
21 any legal obligation of the defendant to support a spouse, minor  
22 children, or other dependents and any moral obligation to support  
23 dependents to whom the defendant is providing or has in fact pro-  
24 vided support.

25 (4) The court may enter a money judgment against the  
26 defendant and may order that the defendant's property is liable

1 for reimbursement for maintenance and support of the defendant as  
2 a prisoner and for other expenses reimbursable under section 3.