

SENATE BILL No. 599

June 20, 2007, Introduced by Senators GARCIA, ANDERSON and GLEASON and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1f of chapter IX (MCL 769.1f), as amended by 2002 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER IX

Sec. 1f. (1) As part of the sentence for a conviction of any of the following offenses, in addition to any other penalty authorized by law, the court may order the person convicted to reimburse the state or a local unit of government for expenses incurred in relation to that incident including but not limited to expenses for an emergency response and expenses for prosecuting the person, as provided in this section:

1 (a) A violation or attempted violation of section 625(1), (3),
2 (4), (5), (6), or (7) or section 625m of the Michigan vehicle code,
3 1949 PA 300, MCL 257.625 and 257.625m, or of a local ordinance
4 substantially corresponding to section 625(1), (3), or (6) or
5 section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625
6 and 257.625m.

7 (b) Felonious driving, negligent homicide, manslaughter, or
8 murder, or attempted felonious driving, negligent homicide,
9 manslaughter, or murder, resulting from the operation of a motor
10 vehicle, snowmobile, ORV, aircraft, vessel, or locomotive engine
11 while the person was impaired by or under the influence of
12 intoxicating liquor or a controlled substance, as defined in
13 section 7104 of the public health code, 1978 PA 368, MCL 333.7104,
14 or a combination of intoxicating liquor and a controlled substance,
15 or had an unlawful blood alcohol content.

16 (c) A violation or attempted violation of section 82127 of the
17 natural resources and environmental protection act, 1994 PA 451,
18 MCL 324.82127.

19 (d) A violation or attempted violation of section 81134 or
20 81135 of the natural resources and environmental protection act,
21 1994 PA 451, MCL 324.81134 and 324.81135.

22 (e) A violation or attempted violation of section 185 of the
23 aeronautics code of the state of Michigan, 1945 PA 327, MCL
24 259.185.

25 (f) A violation or attempted violation of section 80176(1),
26 (3), (4), or (5) of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.80176, or a local ordinance

1 substantially corresponding to section 80176(1) or (3) of the
2 natural resources and environmental protection act, 1994 PA 451,
3 MCL 324.80176.

4 (g) A violation or attempted violation of section 353 or 355
5 of the railroad code of 1993, 1993 PA 354, MCL 462.353 and 462.355.

6 (h) A violation or attempted violation of section 411a(2) of
7 the Michigan penal code, 1931 PA 328, MCL 750.411a.

8 (i) A finding of guilt for criminal contempt for a violation
9 of a personal protection order issued under section 2950 or 2950a
10 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
11 and 600.2950a, or for a violation of a foreign protection order
12 that satisfies the conditions for validity provided in section
13 2950i of the revised judicature act of 1961, 1961 PA 236, MCL
14 600.2950i.

15 (2) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED UNDER THIS SECTION, THE**
16 expenses for which reimbursement may be ordered under this section
17 include all of the following:

18 (a) The salaries or wages, including overtime pay, of law
19 enforcement personnel for time spent responding to the incident
20 from which the conviction arose, arresting the person convicted,
21 processing the person after the arrest, preparing reports on the
22 incident, investigating the incident, and collecting and analyzing
23 evidence, including, but not limited to, determining bodily alcohol
24 content and determining the presence of and identifying controlled
25 substances in the blood, breath, or urine.

26 (b) The salaries, wages, or other compensation, including
27 overtime pay, of fire department and emergency medical service

1 personnel, including volunteer fire fighters or volunteer emergency
2 medical service personnel, for time spent in responding to and
3 providing fire fighting, rescue, and emergency medical services in
4 relation to the incident from which the conviction arose.

5 (c) The cost of medical supplies lost or expended by fire
6 department and emergency medical service personnel, including
7 volunteer fire fighters or volunteer emergency medical service
8 personnel, in providing services in relation to the incident from
9 which the conviction arose.

10 (d) The salaries, wages, or other compensation, including, but
11 not limited to, overtime pay of prosecution personnel for time
12 spent investigating and prosecuting the crime or crimes resulting
13 in conviction.

14 (e) The cost of extraditing a person from another state to
15 this state including, but not limited to, all of the following:

16 (i) Transportation costs.

17 (ii) The salaries or wages of law enforcement and prosecution
18 personnel, including overtime pay, for processing the extradition
19 and returning the person to this state.

20 (3) If police, fire department, or emergency medical service
21 personnel from more than 1 unit of government incurred expenses as
22 described in subsection (2), the court may order the person
23 convicted to reimburse each unit of government for the expenses it
24 incurred.

25 (4) The amount ordered to be paid under this section shall be
26 paid to the clerk of the court, who shall transmit the appropriate
27 amount to the unit or units of government named in the order to

1 receive reimbursement. If not otherwise provided by the court under
2 this subsection, the reimbursement ordered under this section shall
3 be made immediately. However, the court may require that the person
4 make the reimbursement ordered under this section within a
5 specified period or in specified installments.

6 (5) If the person convicted is placed on probation or paroled,
7 any reimbursement ordered under this section shall be a condition
8 of that probation or parole. The court may revoke probation and the
9 parole board may revoke parole if the person fails to comply with
10 the order and if the person has not made a good faith effort to
11 comply with the order. In determining whether to revoke probation
12 or parole, the court or parole board shall consider the person's
13 employment status, earning ability, number of dependents, and
14 financial resources, the willfulness of the person's failure to
15 pay, and any other special circumstances that may have a bearing on
16 the person's ability to pay.

17 (6) An order for reimbursement under this section may be
18 enforced by the prosecuting attorney or the state or local unit of
19 government named in the order to receive the reimbursement in the
20 same manner as a judgment in a civil action.

21 (7) Notwithstanding any other provision of this section, a
22 person shall not be imprisoned, jailed, or incarcerated for a
23 violation of parole or probation, or otherwise, for failure to make
24 a reimbursement as ordered under this section unless the court
25 determines that the person has the resources to pay the ordered
26 reimbursement and has not made a good faith effort to do so.

27 (8) A local unit of government may elect to be reimbursed for

1 expenses under this section or a local ordinance, or a combination
 2 of this section and a local ordinance. This subsection does not
 3 allow a local unit of government to be fully reimbursed more than
 4 once for any expense incurred by that local unit of government.

5 (9) As part of the sentence for a conviction of any violation
 6 or attempted violation of chapter XXXIII, section 327, 327a, 328,
 7 or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA
 8 328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and
 9 750.436, and 750.543a to 750.543z, in addition to any other penalty
 10 authorized by law, the court shall order the person convicted to
 11 reimburse any government entity for expenses incurred in relation
 12 to that incident including, but not limited to, expenses for an
 13 emergency response and expenses for prosecuting the person, as
 14 provided in subsections (2) to (8). As used in this subsection,
 15 "government entity" means this state, a local unit of government,
 16 or the United States government.

17 (10) AS PART OF THE SENTENCE FOR A CONVICTION OF ANY CRIME IN
 18 WHICH A CANINE UNIT WAS USED TO ASSIST IN THE ARREST OF THE PERSON
 19 CONVICTED, THE COURT SHALL ORDER THE PERSON CONVICTED TO REIMBURSE
 20 THE LAW ENFORCEMENT AGENCY FOR CANINE UNIT COSTS.

21 (11) ~~(10)~~As used in this section:

22 (a) "Aircraft" means that term as defined in section 4-2 of
 23 the aeronautics code of the state of Michigan, 1945 PA 327, MCL
 24 ~~259.4-259.2~~.

25 (B) "CANINE UNIT" MEANS 1 OR MORE DOGS USED BY A LAW
 26 ENFORCEMENT AGENCY TO ASSIST A LAW ENFORCEMENT OFFICER IN THE
 27 INVESTIGATION OF CRIME.

1 (C) "CANINE UNIT COSTS" MEANS COSTS INCURRED BY A LAW
2 ENFORCEMENT AGENCY ASSOCIATED WITH A CASE, INCLUDING, BUT NOT
3 LIMITED TO, DEPLOYING, TRANSPORTING, FEEDING, SHELTERING, AND
4 PROVIDING VETERINARY CARE FOR THE DOGS OF A CANINE UNIT.

5 (D) "LAW ENFORCEMENT OFFICER" MEANS THAT TERM AS DEFINED IN
6 SECTION 2 OF THE COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965
7 PA 203, MCL 28.602.

8 (E) ~~(b)~~—"Local unit of government" means any of the following:

9 (i) A city, village, township, or county.

10 (ii) A local or intermediate school district.

11 (iii) A public school academy.

12 (iv) A community college.

13 (F) ~~(e)~~—"Motor vehicle" means that term as defined in section
14 33 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

15 (G) ~~(d)~~—"ORV" means that term as defined in section 81101 of
16 the natural resources and environmental protection act, 1994 PA
17 451, MCL 324.81101.

18 (H) ~~(e)~~—"Snowmobile" means that term as defined in section
19 82101 of the natural resources and environmental protection act,
20 1994 PA 451, MCL 324.82101.

21 (I) ~~(f)~~—"State" includes, **BUT IS NOT LIMITED TO**, a state
22 institution of higher education.

23 (J) ~~(g)~~—"Vessel" means that term as defined in section 80104
24 of the natural resources and environmental protection act, 1994 PA
25 451, MCL 324.80104.