

HOUSE BILL No. 5055

October 3, 2013, Introduced by Reps. Johnson, Lauwers, Daley, Bumstead and Leonard 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
2012 PA 331.

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 601d,
2 625(1), (3), (4), (5), (6), or (7), section 625m, or section 626(3)
3 or (4) of the Michigan vehicle code, 1949 PA 300, MCL 257.601d,
4 257.625, 257.625m, and 257.626, or of a local ordinance
5 substantially corresponding to section 601d(1), 625(1), (3), or (6)
6 or section 625m or 626 of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.601d, 257.625, 257.625m, and 257.626.

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

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

20 (d) A violation or attempted violation of section 81134 or
21 81135 of the natural resources and environmental protection act,
22 1994 PA 451, MCL 324.81134 and 324.81135.

23 (e) A violation or attempted violation of section 185 of the
24 aeronautics code of the state of Michigan, 1945 PA 327, MCL
25 259.185.

26 (f) A violation or attempted violation of section 80176(1),
27 (3), (4), or (5) of the natural resources and environmental

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

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

7 (h) A violation or attempted violation of section 411a(1),
8 (2), or (4) of the Michigan penal code, 1931 PA 328, MCL 750.411a.

9 (i) A finding of guilt for criminal contempt for a violation
10 of a personal protection order issued under section 2950 or 2950a
11 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950
12 and 600.2950a, or for a violation of a foreign protection order
13 that satisfies the conditions for validity provided in section
14 2950i of the revised judicature act of 1961, 1961 PA 236, MCL
15 600.2950i.

16 (2) The expenses for which reimbursement may be ordered under
17 this section 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~~ **FIREFIGHTERS** or
2 volunteer emergency medical service personnel, for time spent in
3 responding to and providing ~~fire fighting,~~ **FIREFIGHTING**, rescue, and
4 emergency medical services in relation to the incident from which
5 the conviction arose.

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

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

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

17 (i) Transportation costs.

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

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

26 **(4) IF A LOCAL GOVERNMENT INCURS COSTS FOR EXECUTING A BENCH**
27 **WARRANT TO EFFECTUATE THE ARREST OF A PERSON, THE COURT MAY ORDER**

1 **THE PERSON CONVICTED TO REIMBURSE THE LOCAL UNIT OF GOVERNMENT FOR**
2 **EXPENSES INCURRED IN RELATION TO THAT BENCH WARRANT.**

3 (5) ~~(4)~~—The amount ordered to be paid under this section shall
4 be paid to the clerk of the court, who shall transmit the
5 appropriate amount to the unit or units of government named in the
6 order to receive reimbursement. If not otherwise provided by the
7 court under this subsection, the reimbursement ordered under this
8 section shall be made immediately. However, the court may require
9 that the person make the reimbursement ordered under this section
10 within a specified period or in specified installments.

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

22 (7) ~~(6)~~—An order for reimbursement under this section may be
23 enforced by the prosecuting attorney or the state or local unit of
24 government named in the order to receive the reimbursement in the
25 same manner as a judgment in a civil action.

26 (8) ~~(7)~~—Notwithstanding any other provision of this section, a
27 person shall not be imprisoned, jailed, or incarcerated for a

1 violation of parole or probation, or otherwise, for failure to make
2 a reimbursement as ordered under this section unless the court
3 determines that the person has the resources to pay the ordered
4 reimbursement and has not made a good faith effort to do so.

5 (9) ~~(8)~~—A local unit of government may elect to be reimbursed
6 for expenses under this section or a local ordinance, or a
7 combination of this section and a local ordinance. This subsection
8 does not allow a local unit of government to be fully reimbursed
9 more than once for any expense incurred by that local unit of
10 government.

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

23 (11) ~~(10)~~—As used in this section:

24 (a) "Aircraft" means that term as defined in section 2 of the
25 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

26 (b) "Local unit of government" means any of the following:

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

1 (ii) A local or intermediate school district.

2 (iii) A public school academy.

3 (iv) A community college.

4 (c) "Motor vehicle" means that term as defined in section 33
5 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

6 (d) "ORV" means that term as defined in section 81101 of the
7 natural resources and environmental protection act, 1994 PA 451,
8 MCL 324.81101.

9 (e) "Snowmobile" means that term as defined in section 82101
10 of the natural resources and environmental protection act, 1994 PA
11 451, MCL 324.82101.

12 (f) "State" includes a state institution of higher education.

13 (g) "Vessel" means that term as defined in section 80104 of
14 the natural resources and environmental protection act, 1994 PA
15 451, MCL 324.80104.