



# HOUSE BILL No. 5937

June 6, 1996, Introduced by Reps. Gire, Yokich, DeMars and Cherry and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 7 of Act No. 118 of the Public Acts of 1984, entitled "The prisoner reimbursement to the county act," as amended by Act No. 212 of the Public Acts of 1994, being section 801.87 of the Michigan Compiled Laws.

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

1 Section 1. Section 7 of Act No. 118 of the Public Acts of  
2 1984, as amended by Act No. 212 of the Public Acts of 1994, being  
3 section 801.87 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 7. (1) Within ~~12 months of~~ 6 YEARS AFTER the release  
6 of a person as a sentenced prisoner from any county jail, ~~an~~  
7 ~~attorney for that~~ A county DESIGNEE may file a civil action to  
8 seek reimbursement from that person for maintenance and support  
9 of that person while he or she is or was a prisoner, or for any

1 other expense for which the county may be reimbursed under  
2 section 3, as provided in this section and sections 8 to 10.  
3 BEFORE FILING AN ACTION UNDER THIS SECTION, THE COUNTY SHALL TAKE  
4 INTO CONSIDERATION ALL OF THE FACTORS LISTED IN SUBSECTION (3)  
5 REGARDING THE PRISONER'S LEGAL AND MORAL OBLIGATIONS TO PROVIDE  
6 SUPPORT. AS USED IN THIS SUBSECTION, "COUNTY DESIGNEE" MEANS A  
7 PERSON DESIGNATED BY THE COUNTY BOARD OF COMMISSIONERS FOR THAT  
8 COUNTY OR, IF THE COUNTY IS ORGANIZED UNDER ACT NO. 139 OF THE  
9 PUBLIC ACTS OF 1973, BEING SECTIONS 45.551 TO 45.573 OF THE  
10 MICHIGAN COMPILED LAWS, OR UNDER ACT NO. 293 OF THE PUBLIC ACTS  
11 OF 1966, BEING SECTIONS 45.501 TO 45.521 OF THE MICHIGAN COMPILED  
12 LAWS, A PERSON DESIGNATED BY THE COUNTY MANAGER, THE CHIEF ADMIN-  
13 ISTRATIVE OFFICER, OR THE ELECTED COUNTY EXECUTIVE.

14 (2) A civil action brought under this act shall be insti-  
15 tuted in the name of the county in which the jail is located and  
16 shall state the date and place of sentence, the length of time  
17 set forth in the sentence, the length of time actually served,  
18 and the amount or amounts due to the county pursuant to  
19 section 3.

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

26 (4) The court may enter a money judgment against the  
27 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.