



SENATE BILL No. 104

January 17, 1995, Introduced by Senator SHUGARS
and referred to the Committee on Judiciary.

A bill to amend chapter IX of Act No. 175 of the Public Acts
of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 769.1 to 769.28 of the Michigan
Compiled Laws, by adding section 1f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Chapter IX of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 769.1 to 769.28 of the Michigan
3 Compiled Laws, is amended by adding section 1f to read as
4 follows:

5 CHAPTER IX

6 SEC. 1F. (1) AS PART OF THE SENTENCE FOR A CONVICTION OF
7 ANY OF THE FOLLOWING OFFENSES, IN ADDITION TO ANY OTHER PENALTY
8 AUTHORIZED BY LAW, THE COURT MAY ORDER THE PERSON CONVICTED TO

1 REIMBURSE THE STATE OR A LOCAL UNIT OF GOVERNMENT FOR EXPENSES OF
2 AN EMERGENCY RESPONSE TO THE INCIDENT FROM WHICH THE CONVICTION
3 AROSE, AND OTHER EXPENSES INCURRED IN RELATION TO THAT INCIDENT
4 AND TO THE PROSECUTION OF THE PERSON, AS PROVIDED IN THIS
5 SECTION:

6 (A) A VIOLATION OF SECTION 625(1), (3), (4), OR (5) OF THE
7 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
8 BEING SECTION 257.625 OF THE MICHIGAN COMPILED LAWS, OR OF A
9 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1) OR
10 (3) OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949.

11 (B) FELONIOUS DRIVING, NEGLIGENT HOMICIDE, OR MANSLAUGHTER,
12 RESULTING FROM THE OPERATION OF A MOTOR VEHICLE, SNOWMOBILE, ORV,
13 AIRCRAFT, VESSEL, OR LOCOMOTIVE ENGINE WHILE THE PERSON WAS
14 IMPAIRED BY OR UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR A
15 CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 7104 OF THE PUBLIC
16 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-
17 TION 333.7104 OF THE MICHIGAN COMPILED LAWS, OR A COMBINATION OF
18 INTOXICATING LIQUOR AND A CONTROLLED SUBSTANCE, OR HAD AN UNLAW-
19 FUL BLOOD ALCOHOL CONTENT.

20 (C) A VIOLATION OF SECTION 15(1)(B) OF ACT NO. 74 OF THE
21 PUBLIC ACTS OF 1968, BEING SECTION 257.1515 OF THE MICHIGAN
22 COMPILED LAWS.

23 (D) A VIOLATION OF SECTION 20A OR 20B OF ACT NO. 319 OF THE
24 PUBLIC ACTS OF 1975, BEING SECTIONS 257.1620A AND 257.1620B OF
25 THE MICHIGAN COMPILED LAWS.

1 (E) A VIOLATION OF SECTION 185 OF THE AERONAUTICS CODE OF
2 THE STATE OF MICHIGAN, ACT NO. 327 OF THE PUBLIC ACTS OF 1945,
3 BEING SECTION 259.185 OF THE MICHIGAN COMPILED LAWS.

4 (F) A VIOLATION OF SECTION 171(1), (3), (4), OR (5) OF THE
5 MARINE SAFETY ACT, ACT NO. 303 OF THE PUBLIC ACTS OF 1967, BEING
6 SECTION 281.1171 OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDI-
7 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 171(1) OR (3).

8 (G) A VIOLATION OF SECTION 353 OR 355 OF THE RAILROAD CODE
9 OF 1993, ACT NO. 354 OF THE PUBLIC ACTS OF 1993, BEING SECTIONS
10 462.353 AND 462.355 OF THE MICHIGAN COMPILED LAWS.

11 (2) THE EXPENSES FOR WHICH REIMBURSEMENT MAY BE ORDERED
12 UNDER THIS SECTION INCLUDE ALL OF THE FOLLOWING:

13 (A) THE SALARIES OR WAGES, INCLUDING OVERTIME PAY, OF LAW
14 ENFORCEMENT PERSONNEL FOR TIME SPENT RESPONDING TO THE INCIDENT
15 FROM WHICH THE CONVICTION AROSE, ARRESTING THE PERSON CONVICTED,
16 PROCESSING THE PERSON AFTER THE ARREST, PREPARING REPORTS ON THE
17 INCIDENT, INVESTIGATING THE INCIDENT, AND COLLECTING AND ANALYZ-
18 ING EVIDENCE, INCLUDING DETERMINING BLOOD ALCOHOL CONTENT AND
19 DETERMINING THE PRESENCE OF AND IDENTIFYING CONTROLLED SUBSTANCES
20 IN THE BLOOD.

21 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING
22 OVERTIME PAY, OF FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE
23 PERSONNEL, INCLUDING VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMER-
24 GENCY MEDICAL SERVICE PERSONNEL, FOR TIME SPENT IN RESPONDING TO
25 AND PROVIDING FIRE FIGHTING, RESCUE, AND EMERGENCY MEDICAL SERV-
26 ICES IN RELATION TO THE INCIDENT FROM WHICH THE CONVICTION
27 AROSE.

1 (C) THE COST OF MEDICAL SUPPLIES LOST OR EXPENDED BY FIRE
2 DEPARTMENT AND EMERGENCY MEDICAL SERVICE PERSONNEL, INCLUDING
3 VOLUNTEER FIRE FIGHTERS OR VOLUNTEER EMERGENCY MEDICAL SERVICE
4 PERSONNEL, IN PROVIDING SERVICES IN RELATION TO THE INCIDENT FROM
5 WHICH THE CONVICTION AROSE.

6 (3) IF POLICE, FIRE DEPARTMENT, OR EMERGENCY MEDICAL SERVICE
7 PERSONNEL FROM MORE THAN 1 UNIT OF GOVERNMENT INCURRED EXPENSES
8 AS DESCRIBED IN SUBSECTION (2), THE COURT MAY ORDER THE PERSON
9 CONVICTED TO REIMBURSE EACH UNIT OF GOVERNMENT FOR THE EXPENSES
10 IT INCURRED.

11 (4) THE TOTAL AMOUNT ORDERED TO BE PAID UNDER THIS SECTION
12 SHALL NOT EXCEED \$500.00, UNLESS 1 OR MORE OF THE FOLLOWING CIR-
13 CUMSTANCES EXIST:

14 (A) THE CONVICTION RESULTED FROM THE OPERATION OF AN
15 AIRCRAFT.

16 (B) THE CONVICTION RESULTED FROM THE OPERATION OF A LOCOMO-
17 TIVE ENGINE.

18 (C) THE INCIDENT FROM WHICH THE CONVICTION AROSE INVOLVED 3
19 OR MORE MOTOR VEHICLES, SNOWMOBILES, ORV'S, OR VESSELS.

20 (D) THE INCIDENT FROM WHICH THE CONVICTION AROSE RESULTED IN
21 INJURY TO 3 OR MORE PERSONS, OR DEATH TO 1 OR MORE PERSONS.

22 (5) THE AMOUNT ORDERED TO BE PAID UNDER THIS SECTION SHALL
23 BE PAID TO THE CLERK OF THE COURT, WHO SHALL TRANSMIT THE APPRO-
24 PRIATE AMOUNT TO THE UNIT OR UNITS OF GOVERNMENT NAMED IN THE
25 ORDER TO RECEIVE REIMBURSEMENT. IF NOT OTHERWISE PROVIDED BY THE
26 COURT UNDER THIS SUBSECTION, THE REIMBURSEMENT ORDERED UNDER THIS
27 SECTION SHALL BE MADE IMMEDIATELY. HOWEVER, THE COURT MAY

1 REQUIRE THAT THE PERSON MAKE THE REIMBURSEMENT ORDERED UNDER THIS
2 SECTION WITHIN A SPECIFIED PERIOD OR IN SPECIFIED INSTALLMENTS.

3 (6) IF THE PERSON CONVICTED IS PLACED ON PROBATION OR
4 PAROLED, ANY REIMBURSEMENT ORDERED UNDER THIS SECTION SHALL BE A
5 CONDITION OF THAT PROBATION OR PAROLE. THE COURT MAY REVOKE PRO-
6 BATION AND THE PAROLE BOARD MAY REVOKE PAROLE IF THE PERSON FAILS
7 TO COMPLY WITH THE ORDER AND IF THE PERSON HAS NOT MADE A GOOD
8 FAITH EFFORT TO COMPLY WITH THE ORDER. IN DETERMINING WHETHER TO
9 REVOKE PROBATION OR PAROLE, THE COURT OR PAROLE BOARD SHALL CON-
10 sider THE PERSON'S EMPLOYMENT STATUS, EARNING ABILITY, NUMBER OF
11 DEPENDENTS, AND FINANCIAL RESOURCES, THE WILLFULNESS OF THE
12 PERSON'S FAILURE TO PAY, AND ANY OTHER SPECIAL CIRCUMSTANCES THAT
13 MAY HAVE A BEARING ON THE PERSON'S ABILITY TO PAY.

14 (7) AN ORDER FOR REIMBURSEMENT UNDER THIS SECTION MAY BE
15 ENFORCED BY THE PROSECUTING ATTORNEY OR THE STATE OR LOCAL UNIT
16 OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE THE REIMBURSEMENT IN
17 THE SAME MANNER AS A JUDGMENT IN A CIVIL ACTION.

18 (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
19 PERSON SHALL NOT BE IMPRISONED, JAILED, OR INCARCERATED FOR A
20 VIOLATION OF PAROLE OR PROBATION, OR OTHERWISE, FOR FAILURE TO
21 MAKE A REIMBURSEMENT AS ORDERED UNDER THIS SECTION UNLESS THE
22 COURT DETERMINES THAT THE PERSON HAS THE RESOURCES TO PAY THE
23 ORDERED REIMBURSEMENT AND HAS NOT MADE A GOOD FAITH EFFORT TO DO
24 SO.

25 (9) AS USED IN THIS SECTION:

1 (A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 4 OF
2 ACT NO. 327 OF THE PUBLIC ACTS OF 1945, BEING SECTION 259.4 OF
3 THE MICHIGAN COMPILED LAWS.

4 (B) "LOCAL UNIT OF GOVERNMENT" MEANS A CITY, VILLAGE, TOWN-
5 SHIP, OR COUNTY.

6 (C) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 33
7 OF THE MICHIGAN VEHICLE CODE, OF ACT NO. 300 OF THE PUBLIC ACTS
8 OF 1949, BEING SECTION 257.33 OF THE MICHIGAN COMPILED LAWS.

9 (D) "ORV" MEANS THAT TERM AS DEFINED IN SECTION 1 OF ACT
10 NO. 319 OF THE PUBLIC ACTS OF 1975, BEING SECTION 257.1601 OF THE
11 MICHIGAN COMPILED LAWS.

12 (E) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 8 OF ACT
13 NO. 303 OF THE PUBLIC ACTS OF 1967, BEING SECTION 281.1008 OF THE
14 MICHIGAN COMPILED LAWS.