

HOUSE BILL No. 4629

April 19, 2005, Introduced by Reps. Sak, Wojno, Plakas, Lipsey and Gaffney and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 1f and 3 of chapter IX, section 3 of chapter XI, section 8 of chapter XII, and section 22 of chapter XIV (MCL 769.1f, 769.3, 771.3, 772.8, and 774.22), section 1f of chapter IX as amended by 2002 PA 120, section 3 of chapter IX as amended by 1998 PA 231, section 3 of chapter XI as amended by 2004 PA 330, section 8 of chapter XII as amended by 1994 PA 71, and section 22 of chapter XIV as amended by 1980 PA 506.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

Sec. 1f. (1) As part of the sentence for a conviction of any
~~of the following offenses~~ **OFFENSE**, in addition to any other

1 penalty authorized by law, the court may order the person convicted
2 to reimburse the state or a local unit of government for expenses
3 incurred in relation to that incident including but not limited to
4 expenses for an emergency response and expenses for prosecuting the
5 person, as provided in this section. —

6 ~~—— (a) A violation or attempted violation of section 625(1), (3),~~
7 ~~(4), (5), (6), or (7) or section 625m of the Michigan vehicle code,~~
8 ~~1949 PA 300, MCL 257.625 and 257.625m, or of a local ordinance~~
9 ~~substantially corresponding to section 625(1), (3), or (6) or~~
10 ~~section 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625~~
11 ~~and 257.625m.~~

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

21 ~~—— (c) A violation or attempted violation of section 82127 of the~~
22 ~~natural resources and environmental protection act, 1994 PA 451,~~
23 ~~MCL 324.82127.~~

24 ~~—— (d) A violation or attempted violation of section 81134 or~~
25 ~~81135 of the natural resources and environmental protection act,~~
26 ~~1994 PA 451, MCL 324.81134 and 324.81135.~~

27 ~~—— (e) A violation or attempted violation of section 185 of the~~

~~aeronautics code of the state of Michigan, 1945 PA 327, MCL
259.185.~~

~~—— (f) A violation or attempted violation of section 80176(1),
(3), (4), or (5) of the natural resources and environmental
protection act, 1994 PA 451, MCL 324.80176, or a local ordinance
substantially corresponding to section 80176(1) or (3) of the
natural resources and environmental protection act, 1994 PA 451,
MCL 324.80176.~~

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

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

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

(2) The expenses for which reimbursement may be ordered under
this section include all of the following:

(a) The salaries or wages, including overtime pay, of law
enforcement personnel for time spent responding to the incident
from which the conviction arose, arresting the person convicted,
processing the person after the arrest, preparing reports on the
incident, investigating the incident, and collecting and analyzing
evidence, including, but not limited to, determining bodily alcohol

1 content and determining the presence of and identifying controlled
2 substances in the blood, breath, or urine.

3 (b) The salaries, wages, or other compensation, including
4 overtime pay, of fire department and emergency medical service
5 personnel, including volunteer fire fighters or volunteer emergency
6 medical service personnel, for time spent in responding to and
7 providing fire fighting, rescue, and emergency medical services in
8 relation to the incident from which the conviction arose.

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

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

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

20 (i) Transportation costs.

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

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

1 incurred.

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

10 (5) THE COURT SHALL NOT REQUIRE A DEFENDANT TO PAY COSTS UNDER
11 THIS SECTION UNLESS THE DEFENDANT IS OR WILL BE ABLE TO PAY THEM
12 DURING THE SENTENCE TERM. IN DETERMINING THE AMOUNT AND METHOD OF
13 PAYMENT OF COSTS, THE COURT SHALL TAKE INTO ACCOUNT THE DEFENDANT'S
14 FINANCIAL RESOURCES AND THE NATURE OF THE BURDEN THAT PAYMENT OF
15 COSTS WILL IMPOSE, WITH DUE REGARD TO HIS OR HER OTHER OBLIGATIONS.

16 (6) A DEFENDANT WHO IS REQUIRED TO PAY COSTS UNDER THIS
17 SECTION AND WHO IS NOT IN WILLFUL DEFAULT OF THE PAYMENT OF THE
18 COSTS MAY PETITION THE SENTENCING JUDGE OR HIS OR HER SUCCESSOR AT
19 ANY TIME FOR A REMISSION OF THE PAYMENT OF ANY UNPAID PORTION OF
20 THOSE COSTS. IF THE COURT DETERMINES THAT PAYMENT OF THE AMOUNT DUE
21 WILL IMPOSE A MANIFEST HARDSHIP ON THE DEFENDANT OR HIS OR HER
22 IMMEDIATE FAMILY, THE COURT MAY REMIT ALL OR PART OF THE AMOUNT DUE
23 IN COSTS OR MODIFY THE METHOD OF PAYMENT.

24 (7) ~~—(5)—~~ If the person convicted is placed on probation or
25 paroled, any reimbursement ordered under this section shall be a
26 condition of that probation or parole. The court may revoke
27 probation and the parole board may revoke parole if the person

1 fails to comply with the order and if the person has not made a
2 good faith effort to comply with the order. In determining whether
3 to revoke probation or parole, the court or parole board shall
4 consider the person's employment status, earning ability, number of
5 dependents, and financial resources, the willfulness of the
6 person's failure to pay, and any other special circumstances that
7 may have a bearing on the person's ability to pay.

8 (8) ~~—(6)—~~ An order for reimbursement under this section may
9 be enforced by the prosecuting attorney or the state or local unit
10 of government named in the order to receive the reimbursement in
11 the same manner as a judgment in a civil action.

12 (9) ~~—(7)—~~ Notwithstanding any other provision of this section,
13 a person shall not be imprisoned, jailed, or incarcerated for a
14 violation of parole or probation, or otherwise, for failure to make
15 a reimbursement as ordered under this section unless the court
16 determines that the person has the resources to pay the ordered
17 reimbursement and has not made a good faith effort to do so.

18 (10) ~~—(8)—~~ A local unit of government may elect to be
19 reimbursed for expenses under this section or a local ordinance, or
20 a combination of this section and a local ordinance. This
21 subsection does not allow a local unit of government to be fully
22 reimbursed more than once for any expense incurred by that local
23 unit of government.

24 ~~———(9) As part of the sentence for a conviction of any violation~~
25 ~~or attempted violation of chapter XXXIII, section 327, 327a, 328,~~
26 ~~or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA~~
27 ~~328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and~~

1 ~~750.436, and 750.543a to 750.543z, in addition to any other penalty~~
2 ~~authorized by law, the court shall order the person convicted to~~
3 ~~reimburse any government entity for expenses incurred in relation~~
4 ~~to that incident including, but not limited to, expenses for an~~
5 ~~emergency response and expenses for prosecuting the person, as~~
6 ~~provided in subsections (2) to (8). As used in this subsection,~~
7 ~~"government entity" means this state, a local unit of government,~~
8 ~~or the United States government.~~

9 (11) ~~-(10)-~~ As used in this section:

10 (a) "Aircraft" means that term as defined in section ~~4~~ 2 of
11 the aeronautics code of the state of Michigan, 1945 PA 327, MCL
12 ~~259.4~~ 259.2.

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

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

15 (ii) A local or intermediate school district.

16 (iii) A public school academy.

17 (iv) A community college.

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

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

23 (e) "Snowmobile" means that term as defined in section 82101
24 of the natural resources and environmental protection act, 1994 PA
25 451, MCL 324.82101.

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

27 (g) "Vessel" means that term as defined in section 80104 of

1 the natural resources and environmental protection act, 1994 PA
2 451, MCL 324.80104.

3 Sec. 3. (1) If a person is convicted of an offense punishable
4 by a fine or imprisonment, or both, the court may impose a
5 conditional sentence and order the person to pay a fine, with or
6 without the costs of prosecution, and restitution as provided under
7 section 1a of this chapter or the crime victim's rights act, 1985
8 PA 87, MCL 780.751 to 780.834, within a limited time stated in the
9 sentence and, in default of payment, sentence the person as
10 provided by law.

11 (2) Except for a person who is convicted of criminal sexual
12 conduct in the first or third degree, the court may also place the
13 offender on probation with the condition that the offender pay a
14 fine, costs, damages, restitution, or any combination in
15 installments with any limited time and may, upon default in any of
16 those payments, impose sentence as provided by law.

17 (3) **THE COURT SHALL NOT REQUIRE A DEFENDANT TO PAY COSTS UNDER**
18 **THIS SECTION UNLESS THE DEFENDANT IS OR WILL BE ABLE TO PAY THEM**
19 **DURING THE CONDITIONAL SENTENCE. IN DETERMINING THE AMOUNT AND**
20 **METHOD OF PAYMENT OF COSTS, THE COURT SHALL TAKE INTO ACCOUNT THE**
21 **DEFENDANT'S FINANCIAL RESOURCES AND THE NATURE OF THE BURDEN THAT**
22 **PAYMENT OF COSTS WILL IMPOSE, WITH DUE REGARD TO HIS OR HER OTHER**
23 **OBLIGATIONS.**

24 (4) **A DEFENDANT WHO IS REQUIRED TO PAY COSTS UNDER THIS**
25 **SECTION AND WHO IS NOT IN WILLFUL DEFAULT OF THE PAYMENT OF THE**
26 **COSTS MAY PETITION THE SENTENCING JUDGE OR HIS OR HER SUCCESSOR AT**
27 **ANY TIME FOR A REMISSION OF THE PAYMENT OF ANY UNPAID PORTION OF**

1 THOSE COSTS. IF THE COURT DETERMINES THAT PAYMENT OF THE AMOUNT DUE
2 WILL IMPOSE A MANIFEST HARDSHIP ON THE DEFENDANT OR HIS OR HER
3 IMMEDIATE FAMILY, THE COURT MAY REMIT ALL OR PART OF THE AMOUNT DUE
4 IN COSTS OR MODIFY THE METHOD OF PAYMENT.

5 (5) IF A DEFENDANT IS REQUIRED TO PAY COSTS AS PART OF A
6 CONDITIONAL SENTENCE, THE COURT MAY REQUIRE PAYMENT TO BE MADE
7 IMMEDIATELY OR MAY PROVIDE FOR PAYMENT TO BE MADE WITHIN A
8 SPECIFIED PERIOD OF TIME OR IN SPECIFIED INSTALLMENTS.

9 CHAPTER XI

10 Sec. 3. (1) The sentence of probation shall include all of the
11 following conditions:

12 (a) During the term of his or her probation, the probationer
13 shall not violate any criminal law of this state, the United
14 States, or another state or any ordinance of any municipality in
15 this state or another state.

16 (b) During the term of his or her probation, the probationer
17 shall not leave the state without the consent of the court granting
18 his or her application for probation.

19 (c) The probationer shall report to the probation officer,
20 either in person or in writing, monthly or as often as the
21 probation officer requires. This subdivision does not apply to a
22 juvenile placed on probation and committed under section 1(3) or
23 (4) of chapter IX to an institution or agency described in the
24 youth rehabilitation services act, 1974 PA 150, MCL 803.301 to
25 803.309.

26 (d) If sentenced in circuit court, the probationer shall pay a
27 probation supervision fee as prescribed in section 3c of this

1 chapter.

2 (e) The probationer shall pay restitution to the victim of the
3 defendant's course of conduct giving rise to the conviction or to
4 the victim's estate as provided in chapter IX. An order for payment
5 of restitution may be modified and shall be enforced as provided in
6 chapter IX.

7 (f) The probationer shall pay an assessment ordered under
8 section 5 of 1989 PA 196, MCL 780.905.

9 (g) The probationer shall pay the minimum state cost
10 prescribed by section 1j of chapter IX.

11 (h) If the probationer is required to be registered under the
12 sex offenders registration act, 1994 PA 295, MCL 28.721 to 28.732,
13 the probationer shall comply with that act.

14 **(I) THE PROBATIONER SHALL PAY THE COSTS OF THE PROSECUTION**
15 **GIVING RISE TO THE CONVICTION. THE COURT MAY ALLOW THE PROBATIONER**
16 **TO PAY THOSE COSTS IN INSTALLMENTS AS PROVIDED IN THE ORDER.**

17 (2) As a condition of probation, the court may require the
18 probationer to do 1 or more of the following:

19 (a) Be imprisoned in the county jail for not more than 12
20 months, at the time or intervals, which may be consecutive or
21 nonconsecutive, within the probation as the court determines.
22 However, the period of confinement shall not exceed the maximum
23 period of imprisonment provided for the offense charged if the
24 maximum period is less than 12 months. The court may permit day
25 parole as authorized under 1962 PA 60, MCL 801.251 to 801.258. The
26 court may permit a work or school release from jail. This
27 subdivision does not apply to a juvenile placed on probation and

1 committed under section 1(3) or (4) of chapter IX to an institution
2 or agency described in the youth rehabilitation services act, 1974
3 PA 150, MCL 803.301 to 803.309.

4 (b) Pay immediately or within the period of his or her
5 probation a fine imposed when placed on probation.

6 (c) Pay costs **OTHER THAN THE COSTS OF PROSECUTION DESCRIBED IN**
7 **SUBSECTION (1)(I)** pursuant to subsection (5).

8 (d) Pay any assessment ordered by the court other than an
9 assessment described in subsection (1)(f).

10 (e) Engage in community service.

11 (f) Agree to pay by wage assignment any restitution,
12 assessment, fine, or cost imposed by the court.

13 (g) Participate in inpatient or outpatient drug treatment or,
14 beginning January 1, 2005, participate in a drug treatment court
15 under chapter 10A of the revised judicature act of 1961, 1961 PA
16 236, MCL 600.1060 to 600.1082.

17 (h) Participate in mental health treatment.

18 (i) Participate in mental health or substance abuse
19 counseling.

20 (j) Participate in a community corrections program.

21 (k) Be under house arrest.

22 (l) Be subject to electronic monitoring.

23 (m) Participate in a residential probation program.

24 (n) Satisfactorily complete a program of incarceration in a
25 special alternative incarceration unit as provided in section 3b of
26 this chapter.

27 (o) Be subject to conditions reasonably necessary for the

1 protection of 1 or more named persons.

2 (p) Reimburse the county for expenses incurred by the county
3 in connection with the conviction for which probation was ordered
4 as provided in the prisoner reimbursement to the county act, 1984
5 PA 118, MCL 801.81 to 801.93.

6 (q) Complete his or her high school education or obtain the
7 equivalency of a high school education in the form of a general
8 education development (GED) certificate.

9 (3) The court may impose other lawful conditions of probation
10 as the circumstances of the case require or warrant or as in its
11 judgment are proper.

12 (4) If an order or amended order of probation contains a
13 condition for the protection of 1 or more named persons as provided
14 in subsection (2)(o), the court or a law enforcement agency within
15 the court's jurisdiction shall enter the order or amended order
16 into the law enforcement information network. If the court rescinds
17 the order or amended order or the condition, the court shall remove
18 the order or amended order or the condition from the law
19 enforcement information network or notify that law enforcement
20 agency and the law enforcement agency shall remove the order or
21 amended order or the condition from the law enforcement information
22 network.

23 (5) If the court requires the probationer to pay costs under
24 subsection (2), the costs shall be limited to expenses specifically
25 incurred in prosecuting the defendant or providing legal assistance
26 to the defendant and supervision of the probationer.

27 (6) If the court imposes costs under subsection (2) as part of

1 a sentence of probation, all of the following apply:

2 (a) The court shall not require a probationer to pay costs
3 under subsection (2) unless the probationer is or will be able to
4 pay them during the term of probation. In determining the amount
5 and method of payment of costs under subsection (2), the court
6 shall take into account the probationer's financial resources and
7 the nature of the burden that payment of costs will impose, with
8 due regard to his or her other obligations.

9 (b) A probationer who is required to pay costs under
10 subsection (1)(g) or (2)(c) and who is not in willful default of
11 the payment of the costs may petition the sentencing judge or his
12 or her successor at any time for a remission of the payment of any
13 unpaid portion of those costs. If the court determines that payment
14 of the amount due will impose a manifest hardship on the
15 probationer or his or her immediate family, the court may remit all
16 or part of the amount due in costs or modify the method of payment.

17 (7) If a probationer is required to pay costs as part of a
18 sentence of probation, the court may require payment to be made
19 immediately or the court may provide for payment to be made within
20 a specified period of time or in specified installments.

21 (8) If a probationer is ordered to pay costs as part of a
22 sentence of probation, compliance with that order shall be a
23 condition of probation. The court may revoke probation if the
24 probationer fails to comply with the order and if the probationer
25 has not made a good faith effort to comply with the order. In
26 determining whether to revoke probation, the court shall consider
27 the probationer's employment status, earning ability, and financial

resources, the willfulness of the probationer's failure to pay, and any other special circumstances that may have a bearing on the probationer's ability to pay. The proceedings provided for in this subsection are in addition to those provided in section 4 of this chapter.

(9) If sentencing is deferred in the circuit court, the court shall require the individual to pay a supervision fee in the same manner as is prescribed for a delayed sentence under section 1(3) of this chapter, shall require the individual to pay the minimum state costs prescribed by section 1j of chapter IX, and may impose, as applicable, the conditions of probation described in subsections (1), (2), and (3).

(10) If sentencing is delayed or deferred in the district court or in a municipal court, the court shall require the individual to pay the minimum state costs prescribed by section 1j of chapter IX and may impose, as applicable, the conditions of probation described in subsections (1), (2), and (3).

CHAPTER XII

Sec. 8. (1) If an order respecting costs is not made by the court, costs shall be allowed and paid in the same manner as costs in a prosecution of a minor offense in the same court. If a person is required to give security to keep the peace, the court ~~may further~~ **SHALL** order that the costs of prosecution or any part of those costs be paid by that person.

(2) The person shall be committed until the costs are paid or until the person is otherwise legally discharged. **HOWEVER, THE COURT SHALL NOT REQUIRE A PERSON TO PAY COSTS UNLESS THE PERSON IS**

1 OR WILL BE ABLE TO PAY THEM. IN DETERMINING THE AMOUNT AND METHOD
 2 OF PAYMENT OF COSTS, THE COURT SHALL TAKE INTO ACCOUNT THE PERSON'S
 3 FINANCIAL RESOURCES AND THE NATURE OF THE BURDEN THAT PAYMENT OF
 4 COSTS WILL IMPOSE, WITH DUE REGARD TO HIS OR HER OTHER OBLIGATIONS.

5 (3) A PERSON WHO IS REQUIRED TO PAY COSTS UNDER THIS SECTION
 6 AND WHO IS NOT IN WILLFUL DEFAULT OF THE PAYMENT OF THE COSTS MAY
 7 PETITION THE SENTENCING JUDGE OR HIS OR HER SUCCESSOR AT ANY TIME
 8 FOR A REMISSION OF THE PAYMENT OF ANY UNPAID PORTION OF THOSE
 9 COSTS. IF THE COURT DETERMINES THAT PAYMENT OF THE AMOUNT DUE WILL
 10 IMPOSE A MANIFEST HARDSHIP ON THE PERSON OR HIS OR HER IMMEDIATE
 11 FAMILY, THE COURT MAY REMIT ALL OR PART OF THE AMOUNT DUE IN COSTS
 12 OR MODIFY THE METHOD OF PAYMENT.

13 (4) THE COURT MAY REQUIRE PAYMENT OF COSTS TO BE MADE
 14 IMMEDIATELY OR MAY PROVIDE FOR PAYMENT TO BE MADE WITHIN A
 15 SPECIFIED PERIOD OF TIME OR IN SPECIFIED INSTALLMENTS.

16 CHAPTER XIV

17 Sec. 22. (1) If the accused is tried and found guilty in a
 18 municipal court ~~—, either—~~ by the court or ~~—by—~~ a jury ~~—,~~ or is
 19 convicted upon a plea of guilty **OR NOLO CONTENDERE**, the court shall
 20 ~~render~~ **ENTER A** judgment and sentence the accused ~~—, either—~~ by a
 21 fine ~~—,~~ **OR** imprisonment, or both. ~~—, as the case may require.—~~ The
 22 court ~~also may~~ **SHALL ALSO** order the accused to pay the costs of
 23 prosecution and **MAY ORDER THE ACCUSED TO PAY** other reasonable costs
 24 and expenses, direct and indirect, ~~—as—~~ **TO WHICH** the public has
 25 been put ~~—to—~~ in connection with the offense, not to exceed \$15.00
 26 **FOR THE OTHER COSTS AND EXPENSES** in a criminal case. The punishment
 27 provided for by the sentence shall not exceed the limit fixed by

1 law for the offense charged.

2 (2) THE COURT SHALL NOT REQUIRE A DEFENDANT TO PAY COSTS UNDER
3 THIS SECTION UNLESS THE DEFENDANT IS OR WILL BE ABLE TO PAY THEM
4 DURING THE SENTENCE TERM. IN DETERMINING THE AMOUNT AND METHOD OF
5 PAYMENT OF COSTS, THE COURT SHALL TAKE INTO ACCOUNT THE DEFENDANT'S
6 FINANCIAL RESOURCES AND THE NATURE OF THE BURDEN THAT PAYMENT OF
7 COSTS WILL IMPOSE, WITH DUE REGARD TO HIS OR HER OTHER OBLIGATIONS.

8 (3) A DEFENDANT WHO IS REQUIRED TO PAY COSTS UNDER THIS
9 SECTION AND WHO IS NOT IN WILLFUL DEFAULT OF THE PAYMENT OF THE
10 COSTS MAY PETITION THE SENTENCING JUDGE OR HIS OR HER SUCCESSOR AT
11 ANY TIME FOR A REMISSION OF THE PAYMENT OF ANY UNPAID PORTION OF
12 THOSE COSTS. IF THE COURT DETERMINES THAT PAYMENT OF THE AMOUNT DUE
13 WILL IMPOSE A MANIFEST HARDSHIP ON THE DEFENDANT OR HIS OR HER
14 IMMEDIATE FAMILY, THE COURT MAY REMIT ALL OR PART OF THE AMOUNT DUE
15 IN COSTS OR MODIFY THE METHOD OF PAYMENT.

16 (4) IF A DEFENDANT IS REQUIRED TO PAY COSTS AS PART OF THE
17 SENTENCE, THE COURT MAY REQUIRE PAYMENT TO BE MADE IMMEDIATELY OR
18 MAY PROVIDE FOR PAYMENT TO BE MADE WITHIN A SPECIFIED PERIOD OF
19 TIME OR IN SPECIFIED INSTALLMENTS.