

# HOUSE BILL No. 4785

May 12, 2005, Introduced by Reps. Ward, David Law, Schuitmaker and Nofs and referred to the Committee on Judiciary.

A bill to amend 1846 RS 171, entitled  
"Of county jails and the regulation thereof,"  
by amending section 4b (MCL 801.4b), as added by 2003 PA 124.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4b. (1) ~~Beginning August 1, 2003, each~~ **EACH** person who  
2       is incarcerated in the county jail shall pay a fee of \$12.00 to the  
3       county sheriff when the person is admitted into the jail.

4       (2) The county sheriff may collect a fee owed under this  
5       section by withdrawing that amount from any inmate account  
6       maintained by the sheriff for that inmate.

1       (3) Except as provided in subsections (4) and (5), the  
2 sheriff, once each calendar quarter, shall forward all fees  
3 collected under this section to the local corrections officers  
4 training fund created in the local corrections officers training  
5 act, **2003 PA 125, MCL 791.531 TO 791.546.**

6       (4) The revenue derived from fees collected under this section  
7 shall be directed in the manner provided in subsection (5) in a  
8 county for which the sheriffs coordinating and training council has  
9 certified that the county's standards and requirements for the  
10 training of local corrections officers equals or exceeds the  
11 standards and requirements approved by the sheriffs coordinating  
12 and training council under the local corrections officers training  
13 act, **2003 PA 125, MCL 791.531 TO 791.546.**

14       (5) In a county that meets the criteria in subsection (4),  
15 both of the following apply:

16       (a) Once each calendar quarter, the sheriff shall forward  
17 \$2.00 of each fee collected to the state treasurer for deposit in  
18 the local corrections officers training fund created in the local  
19 corrections officers training act, **2003 PA 125, MCL 791.531 TO**  
20 **791.546.**

21       (b) The remaining \$10.00 of each fee shall be retained in that  
22 county, to be used only ~~for~~ **TO DEFRAY THE** costs relating to the  
23 **MANDATORY REQUIREMENTS OF** continuing education, certification,  
24 recertification, and training of local corrections officers **AS**  
25 **APPROVED BY THE SHERIFFS COORDINATING AND TRAINING COUNCIL UNDER**  
26 **SECTION 8 OF THE LOCAL CORRECTIONS OFFICERS TRAINING ACT, 2003 PA**  
27 **125, MCL 791.538,** and **FOR** inmate ~~programs including~~ substance

1 abuse and mental health programs in that county. However, revenue  
2 from the fees shall not be used to supplant current spending by the  
3 county for continuing education, certification, recertification,  
4 and training of local corrections officers.

5 (6) An inmate who fails to pay a fee owed under this section  
6 before being discharged from the jail is responsible for a state  
7 civil infraction and may be ordered to pay a civil fine of \$100.00.  
8 An appearance ticket may be issued to a person who fails to pay a  
9 fee owed under this section. The appearance ticket may be issued by  
10 the sheriff or a deputy sheriff. The county prosecutor for the  
11 county in which the jail is located is responsible for enforcing  
12 the state civil infraction. A civil fine collected under this  
13 section shall be paid as provided under section 8831 of the revised  
14 judicature act of 1961, 1961 PA 236, MCL 600.8831. **THE COURT SHALL**  
15 **WAIVE A CIVIL FINE ORDERED UNDER THIS SECTION IF THE PERSON SUBJECT**  
16 **TO THE FINE SUBMITS PROOF TO THE COURT THAT HE OR SHE PAID THE FEE**  
17 **IMPOSED UNDER SUBSECTION (1) NOT LATER THAN 15 DAYS AFTER BEING**  
18 **RELEASED FROM THE COUNTY JAIL.**

19 (7) A person who is incarcerated in a jail pending trial or  
20 arraignment is entitled to a full refund of the fee paid under this  
21 section if the prosecution against him or her is terminated for any  
22 reason or if he or she is found not guilty of the charges. Each  
23 person required to pay a fee under this section shall be given a  
24 written form explaining the circumstances under which he or she may  
25 request a refund under this subsection. The form shall be as  
26 prescribed in section 15 of the local corrections officers training  
27 act, 2003 PA 125, MCL 791.545.

1           Enacting section 1. This amendatory act does not take effect  
2 unless Senate Bill No.\_\_\_\_ or House Bill No. 4786(request no.  
3 01471'05 a) of the 93rd Legislature is enacted into law.