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BILL ANALYSIS



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Senate Bill 44 (as enacted)
Sponsor: Senator Goeff Hansen
Senate Committee: Judiciary
House Committee: Law and Justice

PUBLIC ACT 241 of 2017

Date Completed: 12-28-17

CONTENT

The bill amends the Code of Criminal Procedure to do the following:

- **Include retail fraud, receiving or concealing stolen property, and criminal contempt for failing to appear in court, among the violations for which the sentencing court may order a convicted person to reimburse the State or a local unit of government for expenses related to the incident.**
- **Include a violation of the Organized Retail Crime Act among the offenses for which the sentencing court is required to order a convicted person to reimburse the State or a local unit for related expenses.**
- **Include transportation costs among the expenses for which reimbursement may be ordered.**

The Code allows the court, as part of the sentence and in addition to any other penalty, to order the person convicted of a specified crime to reimburse the State or a local unit for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person. These crimes include, among others, driving while impaired by or under the influence of liquor or a controlled substance, committing a moving offense that causes the death or serious impairment of a body function of another person, and criminal contempt for violating a personal protection order issued in a domestic situation or issued to prevent stalking.

The bill includes the following in the list of offenses for which a court may order reimbursement of expenses:

- A first-degree retail fraud violation or an attempt to commit that offense.
- A second or subsequent violation of second- or third-degree retail fraud.
- Buying, receiving, possessing, or concealing, or aiding in the concealment of stolen, embezzled, or converted money, goods, or property, knowing or having reason to know or believe that the money, goods, or property is stolen, embezzled, or converted, or an attempt to commit that offense.
- A finding of guilt for criminal contempt for failing to appear in court as ordered by the court.

The Code also requires the court, as part of the sentence for various offenses, to order the person convicted to reimburse any government entity for expenses incurred in relation to the incident. These offenses include a violation of the Michigan Anti-Terrorism Act, a violation of Chapter 33 of the Michigan Penal Code (Explosives and Bombs, and Harmful Devices), and homicide. The bill adds a violation of the Organized Retail Crime Act to the offenses for which reimbursement must be ordered.

The Code of Criminal Procedure specifies the expenses for which reimbursement may or must be ordered. These include salaries and wages of law enforcement personnel for time spent

responding to the incident from which the conviction arose, arresting the person convicted, processing the person after arrest, preparing reports on the incident, investigating the incident, and collecting and analyzing evidence. The bill includes transportation costs among those allowable costs.

The bill will take effect on March 21, 2018.

MCL 769.1f

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill could have a minor positive fiscal impact on State and local government. To the extent that courts order reimbursement for costs associated with responding to and prosecuting the offenses outlined in the bill, the State and local government may collect revenue to offset enforcement costs, including transportation.

Fiscal Analyst: Ryan Bergan