

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 44

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 1f of chapter IX (MCL 769.1f), as amended by  
2016 PA 236.

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

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CHAPTER IX

Sec. 1f. (1) As part of the sentence for a conviction of any  
of the following offenses, in addition to any other penalty  
authorized by law, the court may order the person convicted to  
reimburse the state or a local unit of government for expenses  
incurred in relation to that incident including, but not limited  
to, expenses for an emergency response and expenses for prosecuting

1 the person, as provided in this section:

2 (a) A violation or attempted violation of section 601d,  
3 **SECTION** 625(1), (3), (4), (5), (6), or (7), section 625m, or  
4 section 626(3) or (4) of the Michigan vehicle code, 1949 PA 300,  
5 MCL 257.601d, 257.625, 257.625m, and 257.626, or of a local  
6 ordinance substantially corresponding to section 601d(1), 625(1),  
7 (3), or (6) or section 625m or 626 of the Michigan vehicle code,  
8 1949 PA 300, MCL 257.601d, 257.625, 257.625m, and 257.626.

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

18 (c) A violation or attempted violation of section 82127 of the  
19 natural resources and environmental protection act, 1994 PA 451,  
20 MCL 324.82127.

21 (d) A violation or attempted violation of section 81134 or  
22 former section 81135 of the natural resources and environmental  
23 protection act, 1994 PA 451, MCL 324.81134.

24 (e) A violation or attempted violation of section 185 of the  
25 aeronautics code of the state of Michigan, 1945 PA 327, MCL  
26 259.185.

27 (f) A violation or attempted violation of section 80176(1),

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

6 (g) A violation or attempted violation of section 353 of the  
7 railroad code of 1993, 1993 PA 354, MCL 462.353.

8 (h) A violation or attempted violation of section 411a(1),  
9 (2), or (4) of the Michigan penal code, 1931 PA 328, MCL 750.411a.

10 (i) A finding of guilt for criminal contempt for a violation  
11 of a personal protection order issued under section 2950 or 2950a  
12 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950  
13 and 600.2950a, or for a violation of a foreign protection order  
14 that satisfies the conditions for validity provided in section  
15 2950i of the revised judicature act of 1961, 1961 PA 236, MCL  
16 600.2950i.

17 (j) A violation or attempted violation of section ~~4(1)~~-(4) of  
18 the public threat alert **SYSTEM** act, **2016 PA 235**, MCL 28.674.

19 **(K) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 356C OR 535**  
20 **OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.356C AND 750.535,**  
21 **OR A SECOND OR SUBSEQUENT VIOLATION OF SECTION 356D OF THE MICHIGAN**  
22 **PENAL CODE, 1931 PA 328, MCL 750.356D.**

23 **(l) A FINDING OF GUILT FOR CRIMINAL CONTEMPT FOR FAILING TO**  
24 **APPEAR IN COURT AS ORDERED BY THE COURT.**

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

27 (a) The salaries or wages, including overtime pay, of law

1 enforcement personnel for time spent responding to the incident  
2 from which the conviction arose, arresting the person convicted,  
3 processing the person after the arrest, preparing reports on the  
4 incident, investigating the incident, **TRANSPORTATION COSTS**, and  
5 collecting and analyzing evidence, including, but not limited to,  
6 determining bodily alcohol content and determining the presence of  
7 and identifying controlled substances in the blood, breath, or  
8 urine.

9 (b) The salaries, wages, or other compensation, including  
10 overtime pay, of fire department and emergency medical service  
11 personnel, including volunteer fire fighters or volunteer emergency  
12 medical service personnel, for time spent in responding to and  
13 providing fire fighting, rescue, and emergency medical services in  
14 relation to the incident from which the conviction arose.

15 (c) The cost of medical supplies lost or expended by fire  
16 department and emergency medical service personnel, including  
17 volunteer fire fighters or volunteer emergency medical service  
18 personnel, in providing services in relation to the incident from  
19 which the conviction arose.

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

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

26 (i) Transportation costs.

27 (ii) The salaries or wages of law enforcement and prosecution

1 personnel, including overtime pay, for processing the extradition  
2 and returning the person to this state.

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

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

16 (5) If the person convicted is placed on probation or paroled,  
17 any reimbursement ordered under this section shall be a condition  
18 of that probation or parole. The court may revoke probation and the  
19 parole board may revoke parole if the person fails to comply with  
20 the order and if the person has not made a good faith effort to  
21 comply with the order. In determining whether to revoke probation  
22 or parole, the court or parole board shall consider the person's  
23 employment status, earning ability, number of dependents, and  
24 financial resources, the willfulness of the person's failure to  
25 pay, and any other special circumstances that may have a bearing on  
26 the person's ability to pay.

27 (6) An order for reimbursement under this section may be

1 enforced by the prosecuting attorney or the state or local unit of  
2 government named in the order to receive the reimbursement in the  
3 same manner as a judgment in a civil action.

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

10 (8) A local unit of government may elect to be reimbursed for  
11 expenses under this section or a local ordinance, or a combination  
12 of this section and a local ordinance. This subsection does not  
13 allow a local unit of government to be fully reimbursed more than  
14 once for any expense incurred by that local unit of government.

15 (9) As part of the sentence for a conviction of any violation  
16 or attempted violation of chapter XXXIII, section 327, 327a, 328,  
17 or 436, or chapter LXXXIII-A of the Michigan penal code, 1931 PA  
18 328, MCL 750.200 to 750.212a, 750.327, 750.327a, 750.328, and  
19 750.436, and 750.543a to 750.543z, **OR OF THE ORGANIZED RETAIL CRIME**  
20 **ACT, 2012 PA 455, MCL 752.1081 TO 752.1087**, in addition to any  
21 other penalty authorized by law, the court shall order the person  
22 convicted to reimburse any government entity for expenses incurred  
23 in relation to that incident including, but not limited to,  
24 expenses for an emergency response and expenses for prosecuting the  
25 person, as provided in subsections (2) to (8). As used in this  
26 subsection, "government entity" means this state, a local unit of  
27 government, or the United States government.

1 (10) As used in this section:

2 (a) "Aircraft" means that term as defined in section 2 of the  
3 aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2.

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

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

6 (ii) A local or intermediate school district.

7 (iii) A public school academy.

8 (iv) A community college.

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

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

14 (e) "Snowmobile" means that term as defined in section 82101  
15 of the natural resources and environmental protection act, 1994 PA  
16 451, MCL 324.82101.

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

18 (g) "Vessel" means that term as defined in section 80104 of  
19 the natural resources and environmental protection act, 1994 PA  
20 451, MCL 324.80104.

21 Enacting section 1. This amendatory act takes effect 90 days  
22 after the date it is enacted into law.