

Introduced by the Law Enforcement and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO ADOPT AN ORDINANCE FOR THE REIMBURSEMENT OF COSTS
ASSOCIATED WITH CERTAIN OFFENSES**

RESOLUTION #03-

WHEREAS, the Ingham County Sheriff's Office arrests approximately 350 persons per year for drunk driving; and

WHEREAS, National statistics show that drunk drivers are the cause of a high number of traffic related accidents and deaths; and

WHEREAS, Ingham County Sheriff's Office and Prosecutors Office resources are frequently used to enforce, police, and prosecute drunk drivers and other enumerated offenses; and

WHEREAS, the Ingham County Sheriff's Office has calculated that the base cost for recovering expenses related to a drunk driving arrest is \$225.00; and

WHEREAS, the Ingham County Board of Commissioners desires to establish a fee through the adoption of an ordinance for those persons arrested, convicted, and prosecuted for drunk driving and other enumerated offenses as allowed by state statute.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners adopts the attached "ORDINANCE PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH VIOLATIONS OF CERTAIN OFFENSES" effective when notice of the adoption is published in a newspaper of general circulation in the County.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes the Ingham County Sheriff's Office and Prosecutor's Office to bill for the reimbursement of the costs associated to enforce, police, and prosecute individuals arrested and convicted of the enumerated offenses as outlined by the attached cost schedule.

BE IT FURTHER RESOLVED, that the Ingham County Board of Commissioners authorizes the Controller to make any necessary adjustments in the Ingham County Sheriff's Office and Prosecutor's Office 2003 Budgets.

BE IT FURTHER RESOLVED, that the costs associated with the "ORDINANCE PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH VIOLATIONS OF CERTAIN OFFENSES " may be amended from time to time by Resolution of the Ingham County Board of Commissioners.

LAW ENFORCEMENT: Yeas: De Leon, Schor, Grebner, Stid, Schafer, Minter

Nays: None **Absent:** None **Approved 5/29/03** (Law Enforcement approved a similar version)

FINANCE: Yeas: Grebner, Swope, Dedden, Hertel, Thomas

Nays: None **Absent:** Minter **Approved 6/4/03**

ORDINANCE PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH VIOLATIONS OF CERTAIN OFFENSES

An Ordinance to provide reimbursement for Ingham County law enforcement and prosecutorial costs associated with certain criminal offenses specifically related to drivers operating certain vehicles while under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance and for costs associated with making false reports of crime and a finding of guilt for criminal contempt for a violation of a personal protection order or foreign protection order.

THE PEOPLE OF THE COUNTY OF INGHAM, MICHIGAN, DO ORDAIN:

Article 1. Purpose and Authority. Deeming it advisable in the interest of the citizens of Ingham County; and to provide for, and as authorized by, the Code of Criminal Procedure of the State of Michigan and in particular, Code of Criminal Procedure - Judgment and Sentence, Act 175 of the Public Acts of 1927, as amended, being Section 769.1f of the Compiled Laws of 1948 (MSA 28.1073(5)); the County of Ingham, Michigan, does hereby adopt the following Ordinance;

Article 2. Ordinance Title. The title of this Ordinance shall be the Ordinance Providing for the Reimbursement of Costs Associated with Violations of Certain Offenses.

Article 3. Definitions.

Aircraft means any contrivance used or designed for navigation of or flight in the air.

Alcohol means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.

Alcoholic liquor means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing $\frac{1}{2}$ of 1% or more of alcohol by volume which are fit for use for beverage purposes as defined and classified by the Michigan Liquor Control Commission according to alcoholic content as belonging to 1 of the varieties defined in the Michigan Liquor Control Code of 1998, 1998 PA 58.

Controlled substance means a drug, substance, or immediate precursor included in schedules 1 to 5 of part 72 of the Michigan Public Health Code, 1978 PA 368.

Motor Vehicle means every vehicle that is self-propelled, but motor vehicle does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration under the Michigan Vehicle Code, 1949 PA 300. Motor vehicle does not include an electric patrol vehicle being operated in compliance with the electric patrol vehicle act. Motor vehicle does not include an electric personal assistive mobility device.

ORV means a motor driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain.

Prosecutor's Office Costs means the services of the Prosecutor's Office for investigating and prosecuting the specifically enumerated offenses in Article 4, and which results in a conviction.

Sheriff's Office Costs means:

a. The provision of Sheriff's deputies services for an accident involving a vehicle, where one or more of the drivers were operating a vehicle while under the influence of alcoholic liquors or any controlled substance or the combined influence of alcoholic liquors and any controlled substance, and which results in a conviction of one of the enumerated offenses set forth in Article 4 or;

b. The making of a traffic stop and arrest by a Sheriff's deputy when the driver was operating a vehicle under the influence of alcoholic liquors or any controlled substance or the combined influence of alcoholic liquors and any controlled substance, and which results in a conviction of one of the enumerated offenses set forth in Article 4; and/or

c. The salaries, wages, or other compensation, including overtime pay, of Ingham County emergency medical service personnel, including volunteer emergency medical service personnel, for time spent in responding to and providing emergency medical services in relation to the incident from which the conviction arose and the cost of medical supplies lost or expended by Ingham County emergency medical service personnel, including volunteer emergency medical service personnel, in providing services in relation to the incident from which the conviction arose.

Snowmobile means any motor-driven vehicle designed for travel primarily on snow or ice of a type that utilizes sled-type runners or skis, an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated, but is not a vehicle that must be registered under the Michigan Vehicle Code, 1949 PA 300.

Vessel means every description of water craft used or capable of being used as a means of transportation on water.

Article 4. Conviction of Specific Enumerated Offenses for which Reimbursement shall be Obtained.

Reimbursement shall be required from a convicted defendant for Ingham County Sheriff's Office personnel costs and Ingham County Prosecutor's Office personnel costs related to the incident for which a conviction is obtained for any of following offenses:

a. A violation or attempted violation of specific sections under the Motor Vehicle Code, MCL 257.625 and MCL 257.625m (operating a motor vehicle while under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance) or local ordinances that correspond to MCL 257.625.

b. Specific crimes relating to impairment or being under the influence of intoxicating liquor or a controlled substance as defined by the Public Health Code, MCL 333.7104.

c. A violation or attempted violation of various provisions of the Natural Resources and Environmental Protection Act which involve being under the influence of intoxicating liquor or a controlled substance including MCL 324.82127 (snowmobiles), MCL 324.81134-324.81135 (ORV) and MCL 324.80176 (vessel).

d. A violation or attempted violation of the Aeronautics Code, MCL 259.185 (operating an aircraft or being a crew member while under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance).

e. A violation or attempted violation of the Railroad Code, MCL 462.353 and MCL 462.355 (operating a locomotive engine while under the influence of intoxicating liquor, a controlled substance, or a combination of intoxicating liquor and a controlled substance).

- f. A violation or attempted violation of the Penal Code, MCL 750.411a (making a false report of a crime).
- g. A finding of guilt for criminal contempt for a violation of a personal protection order issued under MCL 600.2950, MCL 600.2950a, or MCL 600.2950i (foreign protection order).

Article 5. The costs for which reimbursement shall be required.

a. Ingham County Sheriff's Office Personnel Costs for a Sheriff's Office Response:

1. The salaries or wages, including overtime pay, of the law enforcement personnel of the Ingham County Sheriff's Office 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 content and determining the presence of and identifying controlled substances in the blood, breath, or urine. Reimbursement shall also be required for the specifically enumerated offenses set forth in Article 4 that do not involve alcoholic liquor and/or controlled substances.

2. The salaries, wages, or other compensation, including overtime pay, of Ingham County emergency medical service personnel, including volunteer emergency medical service personnel, for time spent in responding to and providing emergency medical services in relation to the incident from which the conviction arose and the cost of medical supplies lost or expended by Ingham County emergency medical service personnel, including volunteer emergency medical service personnel, in providing services in relation to the incident from which the conviction arose.

b. Ingham County Prosecutor's Office Personnel Costs: The salaries, wages, or other compensation, including, but not limited to, overtime pay of Ingham County Prosecuting Attorney's Office personnel for time spent investigating and prosecuting the specifically enumerated crime or crimes set forth in Article 4 resulting in conviction.

Article 6. Ingham County expense. The expenses incurred by Ingham County as a result of the Ingham County Sheriff's Office response and the Ingham County Prosecutor's Office prosecution shall be charged to the person liable for the expenses incurred under the terms of this Ordinance. The charge constitutes a debt of that person to Ingham County and is collectible by Ingham County in the same manner as in the case of an obligation under a contract, expressed or implied.

Article 7. Collection for reimbursement for costs. The Sheriff, or his/her designee and/or the Prosecutor, or his/her designee, shall within thirty (30) days after a defendant is convicted of one of the specifically enumerated offenses set forth in Article 4, submit a bill for the costs incurred by first class or certified mail to the person responsible for payment of the costs incurred under this Ordinance. The person responsible for payment shall submit payment in full within thirty (30) days from the date of first class or certified mailing.

Article 8. Penalties. Failure to pay the costs incurred as required by this Ordinance shall be considered a default by the responsible person. In case of default, the County of Ingham may commence a civil action to recover all costs and expenses allowed by law, or may contract with a collection agency to recover the outstanding costs and expenses in the name of the County of Ingham, including collection costs.

Article 9. Cost Schedule. All costs shall be paid to the County of Ingham in accordance with a cost schedule determined by resolution by the Ingham County Board of Commissioners, copy attached, which shall be amended from time to time.

Article 10. Conflict with criminal laws. Nothing in this Ordinance shall be construed to conflict, contravene, enlarge or reduce any criminal liability or responsibility, including fines imposed by a judge for any criminal offense under Michigan law.

Article 11. Construction. When not inconsistent with the context, words used in the present tense include the future. Words in the singular include the plural and words in the plural include the singular. Masculine shall include a feminine and neuter. The word “shall” is always mandatory and not merely directive. Words or terms not defined herein shall be interpreted as defined in statutes, regulations, or codes to which they apply or if not so defined shall be defined in the manner of their common meaning. Headings shall be deemed for convenience and shall not limit the scope of any section of this Ordinance.

Article 12. Severability. The various parts, sections, subsections, paragraphs, sentences, phrases, and clauses of this Ordinance are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it shall be considered severed from this Ordinance and shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Article 13. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed

Article 14. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Article 15. Effective Date of Ordinance. This Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

SCHEDULE OF COSTS ESTABLISHED PURSUANT TO THE INGHAM COUNTY ORDINANCE PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH VIOLATIONS OF CERTAIN OFFENSES

SHERIFFS OFFICE:

Costs will be \$225.00 for each Drunk Driving arrest that results in a conviction.

All other Sheriffs Office costs associated with arrests and convictions for eligible offenses based on the Ingham County **“ORDINANCE PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH VIOLATIONS OF CERTAIN OFFENSES”** will be billed at the following hourly rate:

Ingham County Sheriffs Office Command Officer @ \$42.08 per hour
Ingham County Sheriffs Office Deputy @ \$30.31 per hour

PROSECUTING ATTORNEY’S OFFICE:

Prosecutorial costs for each eligible case of that results in a conviction based on the Ingham County **“ORDINANCE PROVIDING FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH VIOLATIONS OF CERTAIN OFFENSES”** will be billed as follows:

Guilty Plea	\$ 60.00
Trial	\$100.00