

ORDINANCE NO. 638

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF RIVERVIEW BY THE REPEAL AND READOPTION OF SECTION 38-4 OF ARTICLE I. "IN GENERAL" IN CHAPTER 38 "OFFENSES AND MISCELLANEOUS PROVISIONS" FOR PURPOSES OF REQUIRING REIMBURSEMENT FOR COSTS OF CONFINEMENT AND RESPONSIBILITY FOR MEDICAL SERVICES RECEIVED BY THOSE CONFINED BY OR AT THE DIRECTION OF THE CITY.

THE CITY OF RIVERVIEW ORDAINS:

**ARTICLE I.** Amendment: That Section 38-4, Reimbursement for Jail Confinement, under Chapter 38, Offenses and Miscellaneous Provisions, Article I. In General is hereby repealed and readopted to hereafter read as follows:

CHAPTER 38, Offenses and Miscellaneous Provisions  
ARTICLE I. In General

**SECTION 38-4.** Reimbursement for Jail Confinement and Responsibility for Medical Services.

A. Reimbursement from Inmates:

- (1) Any person held in custody, confined or incarcerated by the City, including but not limited to, individuals who are:
  - (a) under arrest,
  - (b) incarcerated,
  - (c) imprisoned,
  - (d) escaped from confinement,
  - (e) under supervised release,
  - (f) on medical furlough,
  - (g) residing in a mental health facility or halfway house,
  - (h) living under home detention, or
  - (i) confined completely or partially in any way under a penal statute or rule; shall be solely responsible for the payment of any medical services rendered to, and received by, that person during the course of his or her confinement with the City, or at the City's or Court's direction, including without limitation, transportation to and from a medical treatment facility, and any treatment deemed necessary by his or her treating physician, whether or not requested by the prisoner; and shall be required to reimburse the City, in full for any fees or charges incurred for such services, if not paid directly to the medical facility or practitioner by the prisoner or his or her insurance carrier.
- (2) The City of Riverview may seek reimbursement from any person who is or was an inmate in the City's jail or in a county jail for expenses incurred by the City in relation to the incarceration of that person in any of the manners cited in sec. (a) (1) above, as follows:
  - (a) Not more than \$60.00 per day for the expenses of maintaining that inmate or the actual per diem cost of maintaining that inmate, whichever is less, for the

entire period of time the inmate was confined in the City jail, including any period of pretrial detention.

- (b) The per-day cost charged to the City by a county for housing the inmate in that county's jail, but not more than \$60.00 per day, for the entire period during which the inmate was housed in that county's jail.
  - (c) The cost of providing medical treatment, prescription drugs, dental care, and other medical examination or procedures.
  - (d) To investigate the financial status of the person.
  - (e) Any other expenses incurred by the City to collect payments under this ordinance.
- (3) Reimbursement under this ordinance may be ordered as a probation condition entered pursuant to Section 3 of Chapter XI of the Code of Criminal Procedure, 1927 PA 175, MCL 771.3, as amended.
  - (4) Before seeking any reimbursement under this ordinance, the City shall develop a form to be used for determining the financial status of inmates. The form shall provide for obtaining the age and marital status of an inmate, number and ages of children of an inmate, number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value. The City shall use the form when investigating the financial status of inmates.

**B. City Council Request for Information.**

- (1) Upon the request of the City Council, the City Manager shall forward to the City Council a list containing the name of each sentenced inmate and each pretrial detainee whose prosecution resulted in conviction from whom reimbursement may be sought under subsection (a), the term of the sentence or the period of pretrial detention, and the date of admission to the City jail or a county jail, together with information regarding the financial status of each inmate.

**C. Inmate Cooperation**

- (1) An inmate in the City jail or a county jail shall cooperate with the City in seeking reimbursement under this ordinance for expenses incurred by the City for that inmate.
- (2) An inmate who willfully refuses to cooperate as provided in subsection (1) shall not receive a reduction in his or her term under Section 7 of 1962 PA 60, MCL 801.257. If an inmate is ordered to reimburse the City under this ordinance as a probation condition entered pursuant to Section 3 of Chapter XI of the Code of Criminal procedure, 1927 PA 175, MCL 771.3, the inmate is subject to probation revocation as provided in Section 4 of Chapter XI of the Code of Criminal procedure, 1927 PA 175, MCL 771.4.

**D. Civil Action For Reimbursement**

- (1) Within 12 months after the release from the City or county jail of a sentenced inmate or a pretrial detainee whose prosecution resulted in conviction, the City Attorney may file a civil action to seek reimbursement from that person for maintenance and support of that person while he or she is or was confined in the jail, for costs charged to the City by a county for housing that person in the county jail, and for any other

expense for which the municipality may be reimbursed under subsection (a), as provided for in this subsection and subsections (e) to (g).

- (2) A civil action brought under this ordinance shall be instituted in the name of the City and shall state the following, as applicable:
  - (a) In the case of an inmate sentenced to the City or a county jail, the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due to the municipality pursuant to subsection (a) (1).
  - (b) In the case of a person imprisoned as a pretrial detainee on a charge or charges that resulted in conviction, the length of pretrial detention and the amount or amounts due to the municipality pursuant to subsection (a) (1).
  - (c) Before entering any order on behalf of the City against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents to whom the defendant is providing or has in fact provided support.
  - (d) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as an inmate and for other expenses reimbursable under subsection (a) (1).

E. Enforcement of Judgment

- (1) Consistent with subsection (e), the City may file the civil action in the district court to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the district court. If the defendant is still an inmate in the City jail or a county jail or is a prisoner in a state correctional facility, venue in a district of the first class is proper in the county where the municipal jail, county jail, or state correctional facility is located and in a district of the second or third class is proper in the judicial district where the municipal jail, county jail, or state correctional facility is located.
- (2) If necessary to protect the City's right to obtain reimbursement under this ordinance against the disposition of known property, the City, in accordance with rules of the Supreme Court of this state, may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the municipality for the maintenance and support of the defendant as an inmate.
- (3) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

F. Prohibition on Execution of Judgment

- (1) The City shall not enforce any judgment obtained under this act by means of execution against the homestead of the defendant.

G. Information to be provided to City Attorney

- (1) The sentencing judge and the sheriff of any county in which an inmate's property is located shall furnish to the City Attorney all information and assistance possible to enable the City Attorney to secure reimbursement for the City under this ordinance.

H. City's Use of Reimbursements

- (1) The reimbursement secured under this ordinance shall be credited to the general fund of the City to be available for general fund purposes. The Finance Director may determine the amount due the City under this act and render sworn statement thereof. These sworn statements shall be considered prima facie evidence of the amount due.

ARTICLE II. Penalty: A person violating this ordinance shall be guilty of a misdemeanor and punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on May 16, 2011, shall be given a second reading on June 6, 2011, shall be adopted on June 6, 2011, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 6<sup>th</sup> day of June 2011.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on June 6, 2011.

---

Cynthia M. Hutchison, City Clerk