

HB 2171 -- REIMBURSEMENT OF LAW ENFORCEMENT

SPONSOR: Scharnhorst

This bill changes the laws regarding the reimbursement of state or local law enforcement by a defendant for the costs of searching and examining any seized electronic devices. In its main provisions, the bill:

(1) Requires that a court order the defendant to reimburse the state or local law enforcement agency performing analysis for the costs incurred by the agency in the examination of any computer, computer equipment, computer devices, cellular telephones, computer media, or other electronic devices. Currently, the court may order the defendant to reimburse the agency for the costs in the examination of specified devices seized;

(2) Specifies that in addition to the reasonable costs of performing examinations, the costs specified in these provisions must also include the acquisition of hardware or acquisition of software currently not in the possession of the analyzing agency and specifically needed for the case;

(3) Repeals the provision allowing each law enforcement agency to establish a schedule of costs incurred in an examination;

(4) Specifies that costs collected under these provisions may be paid directly to the law enforcement agency performing the analysis by the court or collected by the prosecuting attorney or circuit attorney;

(5) Prohibits any person ordered by the court to pay costs under these provisions from being released from probation until the costs have been paid in full;

(6) Requires the court to order the maximum term of probation allowed for the offense if the costs are not paid within the original term of probation;

(7) Requires any person eligible to be released on parole to pay costs under these provisions as a condition of parole;

(8) Prohibits the Board of Probation and Parole in the Department of Corrections from releasing any person from any term of parole for the offense until the person has paid the costs or until the maximum term of parole for the offense has been served;

(9) Specifies that the costs under these provisions may be taken from the inmate's account at the department while the defendant is

incarcerated;

(10) Specifies that upon conditional release or parole, if any amount of the cost is unpaid, the payment of the unpaid balance may be collected as a condition of conditional release or parole by the prosecuting attorney or circuit attorney;

(11) Specifies that the prosecuting attorney or circuit attorney may refer any failure to make the restitution as a condition of conditional release or parole to the parole board for enforcement;

(12) Specifies that any costs collected under these provisions must be used for law enforcement purposes only; and

(13) Specifies that subject to the laws, rules, regulations, and orders of the state or local jurisdiction governing the use of public funds available for law enforcement purposes, the costs must not be deposited into the general funds of any city, county, or state government and may only be used for certain specified purposes and costs.