ALLOW FOR A FINE IN LIEU OF IMPRISONMENT FOR CERTAIN CRIMES

House Bills 4269 and 4270
Sponsor: Rep. Michael Nye
Committee: Judiciary and Civil Rights

Complete to 8-29-95

A SUMMARY OF HOUSE BILLS 4269 AND 4270 AS INTRODUCED 2-1-95

The bills would amend the Code of Criminal Procedure and the Michigan Penal Code, respectively, to provide that a person convicted of having committed certain crimes could be sentenced to pay a fine rather than be subject to a term of imprisonment.

Under House Bill 4269, which would amend the Code of Criminal Procedure (MCL 769.1f), determination of whether a fine would be an appropriate punishment would be at the court's discretion, subject to the provisions of the bill. The court would not be allowed to sentence an individual to pay a fine rather than be imprisoned unless the court determined that all of the following were true:

a) The person had been convicted of a crime which does not require a minimum term of imprisonment.

b) The individual was eligible for parole or probation.

c) The person posed no threat of violence to the community.

d) The person was not a habitual offender.

In addition, when making its decision as to whether a fine would be an appropriate punishment, the court would be required to consider the individual's criminal record, the nature of the crime the individual had committed, and the deterrent effect paying a fine might have over sending the individual to prison.

The amount of the fine would be based upon the individual's average net daily income. The court would be allowed to consider the individual's financial resources when determining the amount of the fine to be imposed, but the court could not consider the individual's income when determining whether he or she should be given the opportunity to pay a fine rather than be imprisoned.

House Bill 4270 would make complementary amendments to the Michigan Penal Code (MCL 750.506b).

The bills are tie-barred to each other.