



SENATE BILL No. 699

September 27, 1995, Introduced by Senators POSTHUMUS, ROGERS, GOUGEON, STILLE, BENNETT, STEIL, DE GROW, SCHUETTE and MC MANUS and referred to the Committee on Judiciary.

A bill to amend sections 1, 1b, and 28 of chapter IX and sections 1, 2, 3, 3a, 4, 5, and 7 of chapter XI of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

section 1 of chapter IX as amended by Act No. 85 of the Public Acts of 1993, section 1b of chapter IX as added and section 28 of chapter IX and sections 3a, 4, and 5 of chapter XI as amended by Act No. 78 of the Public Acts of 1988, section 1 of chapter XI as amended by Act No. 185 of the Public Acts of 1993, section 2 of chapter XI as amended by Act No. 286 of the Public Acts of 1994, section 3 of chapter XI as amended by Act No. 445 of the Public Acts of 1994, and section 7 of chapter XI as amended by Act No. 343 of the Public Acts of 1993, being sections 769.1, 769.1b, 769.28, 771.1, 771.2, 771.3, 771.3a, 771.4, 771.5, and 771.7 of

the Michigan Compiled Laws; to add section 1f to chapter IX; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 1b, and 28 of chapter IX and sec-
 2 tions 1, 2, 3, 3a, 4, 5, and 7 of chapter XI of Act No. 175 of
 3 the Public Acts of 1927, section 1 of chapter IX as amended by
 4 Act No. 85 of the Public Acts of 1993, section 1b of chapter IX
 5 as added and section 28 of chapter IX and sections 3a, 4, and 5
 6 of chapter XI as amended by Act No. 78 of the Public Acts of
 7 1988, section 1 of chapter XI as amended by Act No. 185 of the
 8 Public Acts of 1993, section 2 of chapter XI as amended by Act
 9 No. 286 of the Public Acts of 1994, section 3 of chapter XI as
 10 amended by Act No. 445 of the Public Acts of 1994, and section 7
 11 of chapter XI as amended by Act No. 343 of the Public Acts of
 12 1993, being sections 769.1, 769.1b, 769.28, 771.1, 771.2, 771.3,
 13 771.3a, 771.4, 771.5, and 771.7 of the Michigan Compiled Laws,
 14 are amended and section 1f is added to chapter IX to read as
 15 follows:

CHAPTER IX

16
 17 Sec. 1. (1) A judge of a court having jurisdiction ~~is~~
 18 ~~authorized and empowered to~~ MAY pronounce judgment against and
 19 pass sentence upon a person convicted of an offense in that
 20 court. The sentence shall not ~~be in excess of~~ EXCEED the sen-
 21 tence prescribed by law. THE COURT SHALL SENTENCE AN INDIVIDUAL
 22 LESS THAN 17 YEARS OF AGE WHO IS UNDER THE COURT'S JURISDICTION
 23 PURSUANT TO SECTION 1F OF CHAPTER IV OF THIS ACT OR SECTION 4 OF
 24 CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING

1 SECTION 712A.4 OF THE MICHIGAN COMPILED LAWS, IN THE SAME MANNER
2 AS AN ADULT.

3 (2) ~~The sentencing of a~~ A person convicted of a felony or
4 OF a misdemeanor punishable by imprisonment for more than 92 days
5 shall not ~~occur~~ BE SENTENCED until the court has examined the
6 court file and has determined that the fingerprints of the person
7 have been taken.

8 ~~(3) A judge of a court having jurisdiction over a juvenile~~
9 ~~shall conduct a hearing at the juvenile's sentencing to determine~~
10 ~~if the best interests of the juvenile and the public would be~~
11 ~~served by placing the juvenile on probation and committing the~~
12 ~~juvenile to a state institution or agency described in the youth~~
13 ~~rehabilitation services act, Act No. 150 of the Public Acts of~~
14 ~~1974, being sections 803.301 to 803.309 of the Michigan Compiled~~
15 ~~Laws, or by imposing any other sentence provided by law for an~~
16 ~~adult offender. The rules of evidence do not apply to a hearing~~
17 ~~under this subsection. In making this determination, the judge~~
18 ~~shall consider the following criteria giving each weight as~~
19 ~~appropriate to the circumstances:~~

20 ~~(a) The prior record and character of the juvenile, his or~~
21 ~~her physical and mental maturity, and his or her pattern of~~
22 ~~living.~~

23 ~~(b) The seriousness and the circumstances of the offense.~~

24 ~~(c) Whether the offense is part of a repetitive pattern of~~
25 ~~offenses which would lead to + of the following determinations:~~

26 ~~(i) The juvenile is not amenable to treatment.~~

1 ~~(ii) That despite the juvenile's potential for treatment,~~
2 ~~the nature of the juvenile's delinquent behavior is likely to~~
3 ~~disrupt the rehabilitation of other juveniles in the treatment~~
4 ~~program.~~

5 ~~(d) Whether, despite the juvenile's potential for treatment,~~
6 ~~the nature of the juvenile's delinquent behavior is likely to~~
7 ~~render the juvenile dangerous to the public if released at the~~
8 ~~age of 21.~~

9 ~~(e) Whether the juvenile is more likely to be rehabilitated~~
10 ~~by the services and facilities available in adult programs and~~
11 ~~procedures than in juvenile programs and procedures.~~

12 ~~(f) What is in the best interests of the public welfare and~~
13 ~~the protection of the public security.~~

14 ~~(4) With the consent of the prosecutor and the defendant,~~
15 ~~the court may waive the hearing required under subsection (3).~~
16 ~~If the court waives the hearing required under subsection (3),~~
17 ~~the court may place the juvenile on probation and commit the~~
18 ~~juvenile to a state institution or agency described in Act~~
19 ~~No. 150 of the Public Acts of 1974, but shall not impose any~~
20 ~~other sentence provided by law for an adult offender.~~

21 ~~(5) The court shall state on the record the court's findings~~
22 ~~of fact and conclusions of law for the probation and commitment~~
23 ~~decision or sentencing decision made under subsection (3). If a~~
24 ~~juvenile is committed under subsection (3) to a state institution~~
25 ~~or agency described in Act No. 150 of the Public Acts of 1974, a~~
26 ~~transcript of the court's findings shall be sent to the~~
27 ~~department of social services.~~

1 ~~(6) If a juvenile is committed under subsection (3) or (4)~~
2 ~~to a state institution or agency described in Act No. 150 of the~~
3 ~~Public Acts of 1974, the written order of commitment shall con-~~
4 ~~tain a provision for the reimbursement to the court by the juve-~~
5 ~~nile or those responsible for the juvenile's support, or both,~~
6 ~~for the cost of care or service. The amount of reimbursement~~
7 ~~ordered shall be reasonable, taking into account both the income~~
8 ~~and resources of the juvenile and those responsible for the~~
9 ~~juvenile's support. The amount may be based upon the guidelines~~
10 ~~and model schedule prepared under section 18(6) of chapter XIA~~
11 ~~of Act No. 288 of the Public Acts of 1939, being section 712A.18~~
12 ~~of the Michigan Compiled Laws. The reimbursement provision shall~~
13 ~~apply during the entire period the juvenile remains in care out-~~
14 ~~side the juvenile's own home and under court supervision. The~~
15 ~~court shall provide for the collection of all amounts ordered to~~
16 ~~be reimbursed, and the money collected shall be accounted for and~~
17 ~~reported to the county board of commissioners. Collections to~~
18 ~~cover delinquent accounts or to pay the balance due on reimburse-~~
19 ~~ment orders may be made after a juvenile is released or dis-~~
20 ~~charged from care outside the juvenile's own home and under court~~
21 ~~supervision. Twenty five percent of all amounts collected pursu-~~
22 ~~ant to an order entered under this subsection shall be credited~~
23 ~~to the appropriate fund of the county to offset the administra-~~
24 ~~tive cost of collections. The balance of all amounts collected~~
25 ~~pursuant to an order entered under this subsection shall be~~
26 ~~divided in the same ratio in which the county, state, and federal~~
27 ~~government participate in the cost of care outside the juvenile's~~

~~1 own home and under state or court supervision. The court may
2 also collect benefits paid by the government of the United States
3 for the cost of care of the juvenile. Money collected for juve-
4 niles placed with or committed to the state department of social
5 services shall be accounted for and reported on an individual
6 basis. In cases of delinquent accounts, the court may also enter
7 an order to intercept state tax refunds or the federal income tax
8 refund of a child, parent, guardian, or custodian and initiate
9 the necessary offset proceedings in order to recover the cost of
10 care or service. The court shall send to the person who is the
11 subject of the intercept order advance written notice of the pro-
12 posed offset. The notice shall include notice of the opportunity
13 to contest the offset on the grounds that the intercept is not
14 proper because of a mistake of fact concerning the amount of the
15 delinquency or the identity of the person subject to the order.
16 The court shall provide for the prompt reimbursement of an amount
17 withheld in error or an amount found to exceed the delinquent
18 amount.~~

~~19 (7) If the court appoints an attorney to represent a juve-
20 nile, an order entered under this section may require the juve-
21 nile or person responsible for the juvenile's support, or both,
22 to reimburse the court for attorney fees.~~

~~23 (8) An order directed to a person responsible for the
24 juvenile's support under this section shall not be effectual and
25 binding on the person unless an opportunity for a hearing has
26 been given and until a copy of the order is served on the person,~~

1 ~~personally or by first class mail to the person's last known~~
2 ~~address.~~

3 ~~(9) If a juvenile is placed on probation and committed under~~
4 ~~subsection (3) or (4) to a state institution or agency described~~
5 ~~in Act No. 150 of the Public Acts of 1974, the court shall retain~~
6 ~~jurisdiction over the juvenile while the juvenile is on probation~~
7 ~~and committed to that state institution or agency.~~

8 ~~(10) If the court has retained jurisdiction over a juvenile~~
9 ~~under subsection (9), the court shall conduct an annual review of~~
10 ~~the services being provided to the juvenile, the juvenile's~~
11 ~~placement, and the juvenile's progress in that placement. In~~
12 ~~conducting this review, the court shall examine the juvenile's~~
13 ~~annual report prepared pursuant to section 3 of the juvenile~~
14 ~~facilities act, Act No. 73 of the Public Acts of 1988, being~~
15 ~~section 803.223 of the Michigan Compiled Laws. The court may~~
16 ~~order changes in the juvenile's placement or treatment plan based~~
17 ~~on the review.~~

18 ~~(11) At the time of~~ WHEN sentencing a person convicted of a
19 misdemeanor involving the illegal delivery, possession, or use of
20 alcohol or a controlled substance or a felony, the court shall
21 examine the presentence investigation report and determine if the
22 person being sentenced is licensed or registered under article 15
23 of the public health code, Act No. 368 of the Public Acts of
24 1978, being sections 333.16101 to 333.18838 of the Michigan
25 Compiled Laws. The court shall also examine the court file and
26 determine if a report of the conviction upon which the person is
27 being sentenced has been forwarded to the department of commerce

1 as provided in section 16a. If the report has not been forwarded
2 to the department of commerce, the court shall order the clerk of
3 the court to immediately prepare and forward the report as pro-
4 vided in section 16a.

5 Sec. 1b. (1) If a juvenile ~~is~~ WAS placed on probation and
6 committed under ~~section 1(3) or (4)~~ FORMER SUBSECTION (3) OR
7 (4) OF SECTION 1 of this chapter to a state institution or agency
8 described in the youth rehabilitation services act, Act No. 150
9 of the Public Acts of 1974, being sections 803.301 to 803.309 of
10 the Michigan Compiled Laws, the court shall conduct a review
11 hearing to determine whether the juvenile has been rehabilitated
12 and whether the juvenile presents a serious risk to public
13 safety. If the court determines that the juvenile has not been
14 rehabilitated or that the juvenile presents a serious risk to
15 public safety, jurisdiction over the juvenile shall be
16 continued. In making this determination, the court shall con-
17 sider the following:

18 (a) The extent and nature of the juvenile's participation in
19 education, counseling, or work programs.

20 (b) The juvenile's willingness to accept responsibility for
21 prior behavior.

22 (c) The juvenile's behavior in his or her current
23 placement.

24 (d) The prior record and character of the juvenile and his
25 or her physical and mental maturity.

26 (e) The juvenile's potential for violent conduct as
27 demonstrated by prior behavior.

1 (f) The recommendations of the state institution or agency
2 charged with the juvenile's care for the juvenile's release or
3 continued custody.

4 (g) Other information the prosecuting attorney or juvenile
5 may submit.

6 (2) A review hearing shall be scheduled and held unless
7 adjourned for good cause as near as possible to, but before, the
8 juvenile's nineteenth birthday. If the state institution or
9 agency to which the juvenile was committed believes that the
10 juvenile has been rehabilitated and that the juvenile does not
11 present a serious risk to public safety, the state institution or
12 agency may petition the court to conduct a review hearing at any
13 time before the juvenile becomes 19 years of age or, if the court
14 has continued jurisdiction under subsection (1), at any time
15 before the juvenile becomes 21 years of age.

16 (3) Not less than 14 days before a review hearing is to be
17 conducted, the prosecuting attorney, juvenile, and, if addresses
18 are known, the juvenile's parent or guardian shall be notified.
19 The notice shall state that the court may extend jurisdiction
20 over the juvenile and shall advise the juvenile and the
21 juvenile's parent or guardian of the right to legal counsel. If
22 legal counsel has not been retained or appointed to represent the
23 juvenile, the court shall appoint legal counsel and may assess
24 the cost of providing counsel as costs against the juvenile or
25 those responsible for the juvenile's support, or both, if the
26 persons to be assessed are financially able to comply.

1 (4) The state institution or agency charged with the care of
2 the juvenile shall prepare commitment reports as provided in
3 section 5 of the juvenile facilities act, ACT NO. 73 OF THE
4 PUBLIC ACTS OF 1988, BEING SECTION 803.225 OF THE MICHIGAN
5 COMPILED LAWS, for use by the court at a review hearing held
6 under this section.

7 SEC. 1F. (1) IF A JUVENILE WAS PLACED ON PROBATION AND COM-
8 MITTED UNDER FORMER SUBSECTION (3) OR (4) OF SECTION 1 OF THIS
9 CHAPTER TO A STATE INSTITUTION OR AGENCY DESCRIBED IN THE YOUTH
10 REHABILITATION SERVICES ACT, ACT NO. 150 OF THE PUBLIC ACTS OF
11 1974, BEING SECTIONS 803.301 TO 803.309 OF THE MICHIGAN COMPILED
12 LAWS, THE COURT SHALL RETAIN JURISDICTION OVER THE JUVENILE WHILE
13 THE JUVENILE IS ON PROBATION AND COMMITTED TO THAT STATE INSTITU-
14 TION OR AGENCY.

15 (2) IF THE COURT HAS RETAINED JURISDICTION OVER A JUVENILE
16 UNDER SUBSECTION (1), THE COURT SHALL CONDUCT AN ANNUAL REVIEW OF
17 THE SERVICES BEING PROVIDED TO THE JUVENILE, THE JUVENILE'S
18 PLACEMENT, AND THE -JUVENILE'S PROGRESS IN THAT PLACEMENT. IN
19 CONDUCTING THIS REVIEW, THE COURT SHALL EXAMINE THE JUVENILE'S
20 ANNUAL REPORT PREPARED PURSUANT TO SECTION 3 OF THE JUVENILE
21 FACILITIES ACT, ACT NO. 73 OF THE PUBLIC ACTS OF 1988, BEING
22 SECTION 803.223 OF THE MICHIGAN COMPILED LAWS. THE COURT MAY
23 ORDER CHANGES IN THE JUVENILE'S PLACEMENT OR TREATMENT PLAN BASED
24 ON THE REVIEW.

25 Sec. 28. Notwithstanding any provision of law to the con-
26 trary, ~~in case of the commitment or sentence of~~ a person
27 convicted of a crime or contempt of court AND COMMITTED OR

1 SENTENCED to imprisonment for a maximum of 1 year or less ~~the~~
2 ~~commitment or sentence~~ shall be ~~made~~ COMMITTED OR SENTENCED to
3 the county jail of the county in which the person was convicted,
4 and not to a state penal institution. This section ~~shall~~ DOES
5 not apply to a juvenile placed on probation and committed to a
6 state institution or agency described in the youth rehabilitation
7 services act, Act No. 150 of the Public Acts of 1974, being sec-
8 tions 803.301 to 803.309 of the Michigan Compiled Laws, under
9 ~~section (3) or (4)~~ FORMER SUBSECTION (3) OR (4) OF SECTION 1
10 of this chapter.

11 CHAPTER XI

12 Sec. 1. (1) In all prosecutions for felonies or misdemean-
13 ors, except murder, treason, criminal sexual conduct in the first
14 or third degree, robbery while armed, and major controlled sub-
15 stance offenses not described in subsection (4), if the defendant
16 has been found guilty upon verdict or plea, and ~~if it appears to~~
17 ~~the satisfaction of~~ the court DETERMINES that the defendant is
18 not likely again to engage in an offensive or criminal course of
19 conduct and that the public good does not require that the
20 defendant suffer the penalty imposed by law, the court may place
21 the defendant on probation under the charge and supervision of a
22 probation officer.

23 (2) Except as provided in subsection (4), in an action in
24 which the court may place the defendant on probation, the court
25 may delay the imposing of sentence of the defendant for a period
26 of not to exceed 1 year for the purpose of giving the defendant
27 an opportunity to prove to the court his or her eligibility for

1 probation or other leniency compatible with the ends of justice
 2 and the rehabilitation of the defendant. When the sentencing is
 3 delayed, the court shall make an order stating the reason for the
 4 delay, which ~~order~~ shall be entered upon the records of the
 5 court. The delay in passing sentence ~~shall~~ DOES not deprive
 6 the court of jurisdiction to sentence the defendant at any time
 7 during the period of delay.

8 (3) If a defendant is before the circuit court and is made
 9 subject to a delay in imposing sentence under subsection (2), the
 10 court shall include in the delayed sentence order that the
 11 department of corrections shall collect a supervision fee of not
 12 more than \$30.00 multiplied by the number of months of delay
 13 ordered, but not more than 12 months. The fee is payable when
 14 the delayed sentence order is entered, but the fee may be paid in
 15 monthly installments if the court approves installment payments
 16 for that defendant. In determining the amount of the fee, the
 17 court shall consider the defendant's projected income and finan-
 18 cial resources. The court shall use the following table of
 19 projected monthly income in determining the amount of the fee to
 20 be ordered:

21	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
22	\$ 0-249.99	\$ 0.00
23	\$ 250.00-499.99	\$10.00

1 \$ 500.00-749.99 \$20.00

2 \$ 750.00 or more \$30.00

3 The court may order a higher amount than indicated by the table,
 4 up to the maximum of \$30.00 multiplied by the number of months of
 5 delay ordered but not more than 12 months, if the court deter-
 6 mines that the defendant has sufficient assets or other financial
 7 resources to warrant the higher amount. If the court orders a
 8 higher amount, the amount and the reasons for ordering that
 9 amount shall be stated in the court order. The fee shall be col-
 10 lected as provided in section 25a of Act No. 232 of the Public
 11 Acts of 1953, being section 791.225a of the Michigan Compiled
 12 Laws. A person shall not be subject to more than 1 supervision
 13 fee at the same time. If a supervision fee is ordered for a
 14 person for any month or months during which that person already
 15 is subject to a supervision fee, the court shall waive the fee
 16 having the shorter remaining duration.

17 (4) The sentencing judge may place a defendant on life pro-
 18 bation pursuant to subsection (1) if the defendant is convicted
 19 for a violation of section 7401(2)(a)(iv) or 7403(2)(a)(iv) of
 20 the public health code, Act No. 368 of the Public Acts of 1978,
 21 being sections 333.7401 ~~or~~ AND 333.7403 of the Michigan
 22 Compiled Laws, or conspiracy to commit either of those ~~2~~
 23 offenses. Subsection (2) does not apply to this subsection.

24 (5) ~~Beginning June 1, 1988, this~~ THIS section does not
 25 apply to a juvenile placed on probation and committed under
 26 ~~section 1(3) or (4)~~ FORMER SUBSECTION (3) OR (4) OF SECTION 1

1 of chapter IX to a state institution or agency described in the
2 youth rehabilitation services act, Act No. 150 of the Public Acts
3 of 1974, being sections 803.301 to 803.309 of the Michigan
4 Compiled Laws.

5 Sec. 2. (1) Except as provided in section 2a of this chap-
6 ter, if the defendant is convicted for an offense that is not a
7 felony, the period of probation shall not exceed 2 years. Except
8 as provided in section 2a of this chapter, if the defendant is
9 convicted of a felony that is not a major controlled substance
10 offense, the period of probation shall not exceed 5 years.

11 (2) The court shall FIX AND DETERMINE THE PERIOD AND CONDI-
12 TIONS OF PROBATION by order, to be filed or entered in the cause
13 as the court may direct by general rule or in each case. ~~fix~~
14 ~~and determine the period and conditions of probation.~~ The order,
15 whether it is filed or entered, is part of the record in the
16 cause. The court may amend the order, in form or in substance,
17 at any time.

18 (3) A defendant who is placed on probation pursuant to sec-
19 tion 1(4) of this chapter shall be placed on probation for life.
20 That sentence shall be made subject to conditions of probation
21 specified in section 3 of this chapter, including the payment of
22 a probation supervision fee as prescribed in section 3c of this
23 chapter, and to revocation for violation of those conditions, but
24 the period of probation shall not be reduced other than by a
25 revocation that results in imprisonment.

26 (4) If an individual is placed on probation for a listed
27 offense enumerated in section 2 of the sex offenders registration

1 act, ACT NO. 295 OF THE PUBLIC ACTS OF 1994, BEING SECTION 28.722
2 OF THE MICHIGAN COMPILED LAWS, the individual's probation officer
3 shall register the individual or accept the individual's regis-
4 tration pursuant to that act.

5 (5) Subsections (1) and (3) do not apply to a juvenile
6 placed on probation and committed under ~~section 1(3) or (4)~~
7 FORMER SUBSECTION (3) OR (4) OF SECTION 1 of chapter IX to a
8 state institution or agency described in the youth rehabilitation
9 services act, Act No. 150 of the Public Acts of 1974, being
10 sections 803.301 to 803.309 of the Michigan Compiled Laws.

11 Sec. 3. (1) The sentence of probation shall include all of
12 the following conditions:

13 (a) The probationer shall not, during the term of his or her
14 probation, violate any criminal law of this state, the United
15 States, or another state or any ordinance of any municipality in
16 this state or another state.

17 (b) The probationer shall not, during the term of his or her
18 probation, leave the state without the consent of the court
19 granting his or her application for probation.

20 (c) The probationer shall report to the probation officer,
21 either in person or in writing, monthly or as often as the proba-
22 tion officer requires. This subdivision does not apply to a
23 juvenile placed on probation and committed under ~~section 1(3) or~~
24 ~~(4)~~ FORMER SUBSECTION (3) OR (4) OF SECTION 1 of chapter IX to a
25 state institution or agency described in the youth rehabilitation
26 services act, Act No. 150 of the Public Acts of 1974, being
27 sections 803.301 to 803.309 of the Michigan Compiled Laws.

1 (d) The probationer, if convicted of a felony, shall pay a
2 probation supervision fee as prescribed in section 3c of this
3 chapter.

4 (e) The probationer shall pay restitution to the victim of
5 the defendant's course of conduct giving rise to the conviction
6 or to the victim's estate as provided in chapter IX. An order
7 for payment of restitution may be modified and shall be enforced
8 as provided in chapter IX.

9 (f) The probationer shall pay an assessment ordered under
10 section 5 of Act No. 196 of the Public Acts of 1989, being sec-
11 tion 780.905 of the Michigan Compiled Laws.

12 (g) Beginning October 1, 1995, if the probationer is
13 required to be registered pursuant to the sex offenders registra-
14 tion act, Act No. 295 of the Public Acts of 1994, being
15 sections 28.721 to 28.732 of the Michigan Compiled Laws, the pro-
16 bationer shall comply with that act.

17 (2) As a condition of probation, the court may require the
18 probationer to do 1 or more of the following:

19 (a) Be imprisoned in the county jail for not more than 12
20 months, at the time or intervals, which may be consecutive or
21 nonconsecutive, within the probation as the court determines.
22 However, the period of confinement shall not exceed the maximum
23 period of imprisonment provided for the offense charged if the
24 maximum period is less than 12 months. The court may permit day
25 parole as authorized under Act No. 60 of the Public Acts of
26 ~~1961~~ 1962, being sections 801.251 to 801.258 of the Michigan
27 Compiled Laws. The court may permit a work or school release

1 from jail. This subdivision does not apply to a juvenile placed
2 on probation and committed under ~~section 1(3) or (4)~~ FORMER
3 SUBSECTION (3) OR (4) OF SECTION 1 of chapter IX to a state
4 institution or agency described in Act No. 150 of the Public Acts
5 of 1974.

6 (b) Pay immediately or within the period of his or her pro-
7 bation a fine imposed when placed on probation.

8 (c) Pay costs pursuant to subsection (4).

9 (d) Pay any assessment ordered by the court other than an
10 assessment described in subsection (1)(f).

11 (e) Engage in community service.

12 (f) Agree to pay any restitution, assessment, fine, or cost
13 imposed by the court by wage assignment.

14 (g) Participate in inpatient or outpatient drug treatment.

15 (h) Participate in mental health treatment.

16 (i) Participate in mental health or substance abuse
17 counseling.

18 (j) Participate in a community corrections program.

19 (k) Be under house arrest.

20 (l) Be subject to electronic monitoring.

21 (m) Participate in a residential probation program.

22 (n) Satisfactorily complete a program of incarceration in a
23 special alternative incarceration unit as provided in section 3b
24 of this chapter.

25 (3) Subsection (2) may be applied to a person who is placed
26 on probation for life pursuant to sections 1(4) and 2(3) of this
27 chapter for the first 5 years of that probation.

1 (4) The court may impose other lawful conditions of
2 probation as the circumstances of the case require or warrant, or
3 as in its judgment are proper. If the court requires the proba-
4 tioner to pay costs, the costs shall be limited to expenses spe-
5 cifically incurred in prosecuting the defendant or providing
6 legal assistance to the defendant and supervision of the
7 probationer.

8 (5) If the court imposes costs as part of a sentence of pro-
9 bation, all of the following apply:

10 (a) The court shall not require a probationer to pay costs
11 unless the probationer is or will be able to pay them during the
12 term of probation. In determining the amount and method of pay-
13 ment of costs, the court shall take into account the financial
14 resources of the probationer and the nature of the burden that
15 payment of costs will impose, with due regard to his or her other
16 obligations.

17 (b) A probationer who is required to pay costs and who is
18 not in willful default of the payment of the costs, at any time,
19 may petition the sentencing judge or his or her successor for a
20 remission of the payment of any unpaid portion of those costs.
21 If the court determines that payment of the amount due will
22 impose a manifest hardship on the probationer or his or her imme-
23 diate family, the court may remit all or part of the amount due
24 in costs or modify the method of payment.

25 (6) If a probationer is required to pay costs as part of a
26 sentence of probation, the court may require payment to be made

1 immediately or the court may provide for payment to be made
2 within a specified period of time or in specified installments.

3 (7) If a probationer is ordered to pay costs as part of a
4 sentence of probation, compliance with that order shall be a con-
5 dition of probation. The court may revoke probation if the pro-
6 bationer fails to comply with the order and if the probationer
7 has not made a good faith effort to comply with the order. In
8 determining whether to revoke probation, the court shall consider
9 the probationer's employment status, earning ability, and finan-
10 cial resources, the willfulness of the probationer's failure to
11 pay, and any other special circumstances that may have a bearing
12 on the probationer's ability to pay. The proceedings provided
13 for in this subsection are in addition to those provided in sec-
14 tion 4 of this chapter.

15 Sec. 3a. (1) A person under 22 years of age who is con-
16 victed of the commission of a crime in this state for which a
17 sentence in a state prison may be imposed may be required under a
18 probation order of the court to spend a part of the probation
19 period not exceeding 1 year, ~~as the court directs,~~ in a proba-
20 tion camp made available to the court by the department of
21 corrections. Admission to a probation camp under this section
22 shall be made only with the prior consent of the department of
23 corrections. The department shall have custody of the person of
24 the probationer for the period directed by the court. A proba-
25 tioner fleeing the custody of the department may be pursued and
26 recaptured as if the probationer had been regularly committed to
27 a penal institution and had escaped from the institution. A

1 violation by the probationer of the department's rules shall
2 constitute sufficient grounds for the court to revoke its proba-
3 tion order and to sentence the probationer for the offense for
4 which the probationer was originally convicted and placed on
5 probation. This section ~~shall~~ DOES not restrict or limit the
6 jurisdiction of the court to place a person on probation in
7 another facility suitable and available to the court. The
8 expense of transporting a probationer to and from the probation
9 camp shall be borne by the county from which the probationer was
10 committed to the department of corrections.

11 (2) This section does not apply to a person placed on proba-
12 tion pursuant to sections 1(3) and 2(3) of this chapter ~~nor~~ OR
13 to a juvenile placed on probation and committed under ~~section~~
14 ~~+(3) or (4)~~ FORMER SUBSECTION (3) OR (4) OF SECTION 1 of chapter
15 1X to a state institution or agency described in the youth reha-
16 bilitation services act, Act No. 150 of the Public Acts of 1974,
17 being sections 803.301 to 803.309 of the Michigan Compiled Laws.

18 Sec. 4. It is the intent of the legislature that the grant-
19 ing of probation ~~shall be~~ IS a matter of grace conferring no
20 vested right to its continuance. If during the period of proba-
21 tion ~~it appears to~~ the sentencing ~~court's satisfaction~~ COURT
22 DETERMINES that the probationer is likely again to engage in an
23 offensive or criminal course of conduct or that the public good
24 requires revocation of probation, the court may revoke
25 probation. All probation orders ~~shall be~~ ARE revocable in any
26 manner ~~which~~ the court ~~which~~ THAT imposed probation ~~shall~~
27 ~~consider~~ CONSIDERS applicable either for a violation or

1 attempted violation of a condition of probation or for any other
2 type of antisocial conduct or action on the part of the proba-
3 tioner ~~which shall satisfy~~ THAT SATISFIES the court that revo-
4 cation is proper in the public interest. Hearings on the revoca-
5 tion shall be summary and informal and not subject to the rules
6 of evidence or of pleadings applicable in criminal trials. ~~The~~
7 ~~court may, in~~ IN its probation order or by general rule, THE
8 COURT MAY provide for the apprehension, detention, and confine-
9 ment of a probationer accused of a violation of a probation con-
10 dition or of conduct inconsistent with the public good. The
11 method of hearing and presentation of charges accorded ~~shall~~
12 ~~lie~~ ARE within the court's discretion, ~~which granted probation~~
13 except that the probationer ~~shall be~~ IS entitled to a written
14 copy of the charges against him or her ~~which~~ THAT constitute
15 the claim that he or she violated probation, and ~~shall be~~ IS
16 entitled to a probation revocation hearing. The court may inves-
17 tigate and enter a disposition of probationer as the court deter-
18 mines best serves the public interest. If a probation order is
19 revoked, the court may ~~proceed to~~ sentence the probationer in
20 the same manner and to the same penalty as the court might have
21 done if the probation order had never been made. This section
22 does not apply to a juvenile placed on probation and committed
23 under ~~section 1(3) or (4)~~ FORMER SUBSECTION (3) OR (4) OF
24 SECTION 1 of chapter IX to a state institution or agency
25 described in the youth rehabilitation services act, Act No. 150
26 of the Public Acts of 1974, being sections 803.301 to 803.309 of
27 the Michigan Compiled Laws.

1 Sec. 5. (1) Upon the termination of the probation period,
2 the probation officer shall report the fact to the court and
3 shall report the conduct of the probationer during the period of
4 probation. Upon receipt of the report, the court may discharge
5 the probationer from further supervision and enter a judgment of
6 suspended sentence or extend the probation period as the circum-
7 stances require so long as the maximum period of probation is not
8 exceeded.

9 (2) This section does not apply to a juvenile placed on pro-
10 bation and committed under ~~section 1(3) or (4)~~ FORMER SUBSEC-
11 TION (3) OR (4) OF SECTION 1 of chapter IX to a state institution
12 or agency described in the youth rehabilitation services act, Act
13 No. 150 of the Public Acts of 1974, being sections 803.301 to
14 803.309 of the Michigan Compiled Laws.

15 Sec. 7. (1) If a juvenile placed on probation and committed
16 under ~~section 1(3) or (4)~~ FORMER SUBSECTION (3) OR (4) OF SEC-
17 TION 1 of chapter IX to a state institution or agency described
18 in the youth rehabilitation services act, Act No. 150 of the
19 Public Acts of 1974, being sections 803.301 to 803.309 of the
20 Michigan Compiled Laws, is found by the court to have violated
21 probation by being convicted of a felony or a misdemeanor punish-
22 able by IMPRISONMENT FOR more than 1 year, ~~imprisonment,~~ the
23 court shall revoke probation and order the juvenile committed to
24 the department of corrections for a term of years that shall not
25 exceed the penalty that could have been imposed for the offense
26 for which the juvenile was originally convicted and placed on

1 probation with credit granted against the sentence for the period
2 of time the juvenile served on probation.

3 (2) If a juvenile placed on probation and committed under
4 ~~section (3) or (4)~~ FORMER SUBSECTION (3) OR (4) OF SECTION 1
5 of chapter IX to a state institution or agency described in Act
6 No. 150 of the Public Acts of 1974 is found by the court to have
7 violated probation other than as provided in subsection (1), the
8 court shall not order the juvenile committed to the department of
9 corrections, but the court shall continue probation and order the
10 juvenile to pay restitution as provided by law. The court may
11 order any of the following for the juvenile:

12 (a) A change of placement.

13 (b) Community service.

14 (c) Substance abuse counseling.

15 (d) Mental health counseling.

16 (e) Participation in a vocational-technical education
17 program.

18 (f) Incarceration in a county jail for not more than 30
19 days. If a juvenile is under 17 years of age, the juvenile shall
20 be placed in a room or ward out of sight and sound from adult
21 prisoners.

22 (g) Other participation or performance as the court consid-
23 ers necessary.

24 Section 2. Section 14a of chapter XI of Act No. 175 of the
25 Public Acts of 1927, being section 771.14a of the Michigan
26 Compiled Laws, is repealed.