

HOUSE BILL No. 4151

January 30, 1997, Introduced by Rep. Nye and referred to the Committee on Judiciary.

A bill to amend chapter IX of 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 769.1 to 769.34) by adding section 1f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IX

2 SEC. 1F. (1) EXCEPT AS PROVIDED IN SUBSECTION (4), THE
3 COURT MAY SENTENCE A PERSON CONVICTED OF ANY VIOLATION OF THE
4 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.1 TO 750.568, TO PAY A
5 FINE BASED UPON THE PERSON'S AVERAGE NET DAILY INCOME, IN LIEU OF
6 SENTENCING THE PERSON TO A TERM OF IMPRISONMENT.

7 (2) THE COURT SHALL CONSIDER ALL OF THE FOLLOWING IN SEN-
8 TENCING A PERSON TO PAY A FINE UNDER THIS SECTION:

9 (A) THE NATURE OF THE VIOLATION COMMITTED BY THE PERSON.

10 (B) THE PERSON'S CRIMINAL RECORD.

1 (C) THE POTENTIAL DETERRENT EFFECT OF SENTENCING THE PERSON
2 TO PAY A FINE IN LIEU OF IMPRISONING THE PERSON.

3 (3) THE COURT SHALL CONSIDER THE PERSON'S FINANCIAL
4 RESOURCES IN DETERMINING THE AMOUNT OF THE FINE TO BE IMPOSED
5 UNDER THIS SECTION, BUT NOT IN DETERMINING THE PERSON'S ELIGIBIL-
6 ITY TO PAY A FINE UNDER THIS SECTION IN LIEU OF BEING
7 IMPRISONED.

8 (4) THE COURT SHALL NOT SENTENCE A PERSON UNDER THIS SECTION
9 UNLESS THE COURT DETERMINES THAT ALL OF THE FOLLOWING CIRCUM-
10 STANCES EXIST:

11 (A) THE PERSON WAS CONVICTED OF A CRIME FOR WHICH NO MANDA-
12 TORY MINIMUM TERM OF IMPRISONMENT IS REQUIRED.

13 (B) THE PERSON WAS CONVICTED OF A CRIME FOR WHICH HE OR SHE
14 IS ELIGIBLE FOR PAROLE OR PROBATION.

15 (C) THE PERSON DOES NOT POSE A THREAT OF VIOLENCE TO THE
16 COMMUNITY.

17 (D) THE PERSON IS NOT AN HABITUAL OFFENDER.

18 Enacting section 1. This amendatory act does not take
19 effect unless Senate Bill No. _____ or House Bill No. _____
20 (request no. 00142'97 a) of the 89th Legislature is enacted into
21 law.