

SUBSTITUTE FOR
HOUSE BILL NO. 4169

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 13 of chapter II (MCL 762.13), as amended by
2004 PA 239.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER II

2

Sec. 13. (1) If an individual is assigned to the status of a

3

youthful trainee and the underlying charge is an offense

4

punishable by imprisonment for a term of more than 1 year, the

5

court shall do 1 of the following:

6

(a) ~~Commit~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), COMMIT** the

7

individual to the department of corrections for custodial

8

supervision and training for not more than ~~3~~ **2** years. ~~in~~ **IF THE**

9

INDIVIDUAL IS LESS THAN 21 YEARS OF AGE, HE OR SHE SHALL BE

1 **COMMITTED TO** an institutional facility designated by the
2 department for that purpose.

3 (b) Place the individual on probation for not more than 3
4 years subject to probation conditions as provided in section 3 of
5 chapter XI. ~~Beginning January 1, 2005, the~~ **THE** terms and
6 conditions of probation may include participation in a drug
7 treatment court under chapter 10A of the revised judicature act
8 of 1961, 1961 PA 236, MCL 600.1060 to ~~600.1082~~ **600.1084**.

9 (c) Commit the individual to the county jail for not more
10 than 1 year.

11 (D) **EXCEPT AS PROVIDED IN SUBSECTION (2), COMMIT THE**
12 **INDIVIDUAL TO THE DEPARTMENT OF CORRECTIONS UNDER SUBDIVISION (A)**
13 **OR TO THE COUNTY JAIL UNDER SUBDIVISION (C), AND THEN PLACE THE**
14 **INDIVIDUAL ON PROBATION FOR NOT MORE THAN 1 YEAR SUBJECT TO**
15 **PROBATION CONDITIONS AS PROVIDED IN SECTION 3 OF CHAPTER XI.**

16 (2) **AN INDIVIDUAL ASSIGNED TO THE STATUS OF YOUTHFUL TRAINEE**
17 **SHALL NOT BE COMMITTED TO THE DEPARTMENT OF CORRECTIONS FOR**
18 **CUSTODIAL SUPERVISION AND TRAINING UNDER SUBSECTION (1) (A) OR (D)**
19 **IF THE UNDERLYING CHARGE IS FOR A VIOLATION OF ANY OF THE**
20 **FOLLOWING:**

21 (A) **ARTICLE 7 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
22 **333.7101 TO 333.7545.**

23 (B) **SECTION 110, 110A(4), 157N TO 157V, 157W(1) (C), 227,**
24 **356, 357, 413, 530, OR 535(3) OR (7) OF THE MICHIGAN PENAL CODE,**
25 **1931 PA 328, MCL 750.110, 750.110A, 750.157N TO 750.157V,**
26 **750.157W, 750.227, 750.356, 750.357, 750.413, 750.530, AND**
27 **750.535.**

1 (3) ~~(2)~~—If an individual is assigned to the status of
2 youthful trainee and the underlying charge is for an offense
3 punishable by imprisonment for 1 year or less, the court shall
4 place the individual on probation for not more than 2 years,
5 subject to probation conditions as provided in section 3 of
6 chapter XI.

7 (4) ~~(3)~~—An individual placed on probation ~~pursuant to~~ **UNDER**
8 this section shall be under the supervision of a probation
9 officer. Upon commitment to and receipt by the department of
10 corrections, a youthful trainee shall be subject to the direction
11 of the department of corrections. **IF AN INDIVIDUAL IS PLACED ON**
12 **PROBATION FOLLOWING A COMMITMENT TO THE DEPARTMENT OF CORRECTIONS**
13 **UNDER SUBSECTION (1) (D), A YOUTHFUL TRAINEE SHALL BE REASSIGNED**
14 **TO THE SUPERVISION OF A PROBATION OFFICER.**

15 (5) ~~(4)~~—If an individual is committed to the county jail
16 under subsection (1) (c) **OR (D)** or as a probation condition, the
17 court may authorize work release or release for educational
18 purposes.

19 (6) ~~(5)~~—The court shall include in each order of probation
20 for an individual placed on probation under this section that the
21 department of corrections shall collect a probation supervision
22 fee of not more than \$135.00 multiplied by the number of months
23 of probation ordered, but not more than 36 months. The fee is
24 payable when the probation order is entered, but the fee may be
25 paid in monthly installments if the court approves installment
26 payments for that probationer. In determining the amount of the
27 fee, the court shall consider the probationer's projected income

1 and financial resources. The court shall use the following table
 2 of projected monthly income in determining the amount of the fee
 3 to be ordered:

4	<u>Projected Monthly Income</u>	<u>Amount of Fee</u>
5	\$ 0-249.99	\$ 0.00
6	\$ 250.00-499.99	\$10.00
7	\$ 500.00-749.99	\$25.00
8	\$ 750.00-999.99	\$40.00
9	\$1,000.00 or more	5% of projected monthly
10		income, but not more than
11		\$135.00

12 The court may order a higher amount than indicated by the
 13 table, up to the maximum of \$135.00 multiplied by the number of
 14 months of probation ordered but not more than 36 months, if the
 15 court determines that the probationer has sufficient assets or
 16 other financial resources to warrant the higher amount. If the
 17 court orders a higher amount, the amount and the reasons for
 18 ordering that amount shall be stated in the court order. The fee
 19 shall be collected as provided in section 25a of the corrections
 20 code of 1953, 1953 PA 232, MCL 791.225a. A person shall not be
 21 subject to more than 1 supervision fee at the same time. If a
 22 supervision fee is ordered for a person for any month or months
 23 during which that person already is subject to a supervision fee,
 24 the court shall waive the fee having the shorter remaining
 25 duration.

26 ~~—— (6) If the individual is assigned to youthful trainee status~~

House Bill No. 4169 as amended March 11, 2015

1 ~~before October 1, 2004 for a listed offense enumerated in section~~
2 ~~2 of the sex offenders registration act, 1994 PA 295, MCL 28.722,~~
3 ~~the department of corrections, sheriff or his or her designee, or~~
4 ~~the individual's probation officer shall register the individual~~
5 ~~or accept the individual's registration as provided under that~~
6 ~~act.~~

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.

[Enacting section 2. This amendatory act applies to cases in which
an individual is assigned to youthful trainee status on or after the
effective date of this amendatory act.]