

[No. 51]

(SB 525)

AN ACT to amend 1927 PA 175, entitled "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 760.1 to 777.69) by adding section 1g to chapter IX.

The People of the State of Michigan enact:

CHAPTER IX

769.1g Offense relating to riot, incitement to riot, unlawful assembly or civil disorder within public community college, college, or university campus. [M.S.A. 28.1073(6)]

Sec. 1g. (1) As part of the sentence for a conviction for any offense that the court determines was directly related to a riot, incitement to riot, unlawful assembly or civil disorder on or within 2,500 feet of a public community college, public college, or public university campus in this state, the following apply:

(a) The court may order the individual not to enter upon any public community college, public college, or public university campus in this state as follows:

(i) If the offense is a felony, for 2 years following the imposition of sentence or, if the person is ordered imprisoned for the violation, the completion of the term of imprisonment.

(ii) If the offense is a misdemeanor, for 1 year following the imposition of sentence or, if the person is ordered incarcerated for the violation, the completion of the term of incarceration.

(b) The court may order the individual to reimburse the public community college, public college, or public university, or this state, or a local unit of government of this state for expenses incurred as a result of the riot, incitement to riot, unlawful assembly, or civil disorder. The amount shall be reasonable and shall not exceed the individual's pro rata share of the costs. Reimbursement under this section shall otherwise be made in the same manner as reimbursement is made under section 1f of this chapter.

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(2) If the prosecuting attorney or the attorney for a city, village, or township intends to seek an order under subsection (1), the prosecuting attorney or the attorney for that city, village, or township shall include on the complaint or information the following statement:

“Take notice that if convicted, the defendant may be subject to the provisions of MCL 769.1g.”.

(3) The existence of the facts resulting in the issuance of an order under this section shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing.

(4) If a complaint or amended complaint is filed under this section after a plea but before sentencing, the defendant shall be given an opportunity to withdraw his or her plea before sentencing.

(5) An order issued under this section shall not apply to any of the following:

(a) Entering onto a public community college, public college, or public university campus to obtain medical treatment.

(b) Traveling on a public highway situated on a public community college, public college, or public university campus for purposes of traveling to a location other than that public community college, public college, or public university.

(6) If the individual is placed in the jurisdiction of the department of corrections for the violation, the court may request the parole board to prohibit the individual from entering onto a public community college, public college, or public university campus in this state for 2 years as provided in subsection (1) as a condition of parole.

(7) An order imposed under subsection (1) may be in addition to any other penalty or condition of probation imposed for the violation.

(8) This section does not require any person to be convicted of riot, incitement to riot, unlawful assembly, or civil disorder.

(9) As used in this section:

(a) “Civil disorder” means conduct proscribed under section 528 or 528a of the Michigan penal code, 1931 PA 328, MCL 750.528 and 750.528a.

(b) “Felony” means that term as defined in section 1 of chapter I.

(c) “Incitement to riot” means conduct proscribed under section 2 of 1968 PA 302, MCL 752.542.

(d) “Misdemeanor” means that term as defined in section 1 of chapter I.

(e) “Riot” means conduct proscribed under section 1 of 1968 PA 302, MCL 752.541.

(f) “Unlawful assembly” means conduct proscribed under section 3 of 1968 PA 302, MCL 752.543.

Effective date.

Enacting section 1. This amendatory act takes effect June 1, 2000.

This act is ordered to take immediate effect.

Approved March 29, 2000.

Filed with Secretary of State March 29, 2000.
