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SFA

BILL ANALYSIS

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House Bills 4364 and 4365 (as passed by the House)
Sponsor: Representative Timothy Walberg
House Committee: Corrections
Senate Committee: Judiciary

Date Completed: 9-22-98

CONTENT

House Bills 4364 and 4365 would amend the Code of Criminal Procedure and the Prisoner Reimbursement to the County Act, respectively, to do all of the following:

- Provide that reimbursement of a county for its expenses could be a condition of probation.
- Authorize protection orders as a condition of probation.
- Provide for protection orders that were a condition of probation to be entered into the Law Enforcement Information Network (LEIN).

The bills are tie-barred.

House Bill 4364

The bill would include in the list of conditions that a court may require of a probationer both of the following:

- That the probationer be subject to conditions reasonably necessary for the protection of one or more named persons.
- Reimbursement of the county by the probationer for expenses incurred by the county in connection with the conviction for which probation was ordered, as provided in the Prisoner Reimbursement to the County Act (pursuant to House Bill 4365).

The bill also provides that, if an order or amended order of probation contained a condition for the protection of one or more named persons, the court would have to order a law enforcement agency within its jurisdiction to enter the order into the LEIN. If the court rescinded the order or condition, it would have to notify the law enforcement agency, which would have to remove the order or condition from the LEIN.

House Bill 4365

The bill specifies that reimbursement under the Prisoner Reimbursement to the County Act could be ordered as a probation condition entered pursuant to the Code of Criminal Procedure (pursuant to House Bill 4364).

The bill also states that, if a prisoner were ordered to reimburse the county as a probation condition, the prisoner would be subject to probation revocation under the Code of Criminal Procedure (MCL

771.4). (That provision of the Code specifies that probation orders are revocable in any manner in which the court that imposed probation considers applicable, either for a violation or attempted violation of a probation condition or for any type of antisocial conduct or action that satisfies the court that revocation is proper in the public interest.)

MCL 771.3 (H.B. 4364)
801.83 & 801.85 (H.B. 4365)

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bill 4364

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the State provides probation agents to monitor offenders subject to probation, and that the bill would create additional conditions of probation that could be imposed by a judge including the protection of one or more persons and the reimbursement to the county for the expenses related to conviction, monitoring workloads would increase. However, there are no data to indicate the amount that workloads could increase. To the extent that local governments would be reimbursed for expenses incurred, costs for local government would be reduced.

House Bill 4365

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the bill would allow reimbursement of conviction expenses to be a condition of probation, and would allow the revocation of probation if reimbursement were not paid, State or local government would incur expenses for incarcerating offenders who failed to pay the reimbursement required by a probation order. There are no data to indicate how many offenders would be subject to revocation of probation for failing to reimburse conviction costs.

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.