

SENATE BILL No. 1013

January 29, 2002, Introduced by Senator VAN REGENMORTER and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 2 of chapter XI (MCL 771.2), as amended by 1998 PA 520, and by adding section 4b to chapter XI.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XI

1

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

8 (2) The court shall by order, to be filed or entered in the
9 cause as the court may direct by general rule or in each case,
10 fix and determine the period and conditions of probation. The

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1 order is part of the record in the cause. The court may amend
2 the order in form or substance at any time.

3 (3) A defendant who is placed on probation under section
4 1(4) of this chapter shall be placed on probation for life,
5 SUBJECT TO SECTION 4B OF THIS CHAPTER. That sentence shall be
6 made subject to conditions of probation specified in section 3 of
7 this chapter, including the payment of a probation supervision
8 fee as prescribed in section 3c of this chapter, and to revoca-
9 tion for violation of those conditions. ~~—, but~~ EXCEPT AS PRO-
10 VIDED IN SECTION 4B OF THIS CHAPTER, the probation period shall
11 not be reduced other than by a revocation that results in
12 imprisonment.

13 (4) If an individual is placed on probation for a listed
14 offense enumerated in section 2 of the sex offenders registration
15 act, 1994 PA 295, MCL 28.722, the individual's probation officer
16 shall register the individual or accept the individual's regis-
17 tration as provided in that act.

18 (5) Subsections (1) and (3) do not apply to a juvenile
19 placed on probation and committed under section 1(3) or (4) of
20 chapter IX to an institution or agency described in the youth
21 rehabilitation services act, 1974 PA 150, MCL 803.301 to
22 803.309.

23 SEC. 4B. (1) A DEFENDANT WHO IS PLACED ON PROBATION FOR
24 LIFE UNDER SECTION 1(4) OF THIS CHAPTER, AND WHO HAS SERVED AT
25 LEAST 5 YEARS OF THAT TERM OF PROBATION, MAY PETITION THE SEN-
26 TENCING COURT FOR TERMINATION OF HIS OR HER TERM OF PROBATION.
27 IF THE COURT DETERMINES THAT THE PETITIONER HAS COMPLIED WITH ALL

1 TERMS AND CONDITIONS OF HIS OR HER ORDER OF PROBATION FOR THE
2 PERIOD OF PROBATION THAT THE PETITIONER HAS SERVED, THE COURT MAY
3 DISCHARGE THE PROBATIONER FROM PROBATION AND ENTER A RECORD OF
4 THAT DISCHARGE AS PROVIDED IN SECTION 6 OF THIS CHAPTER. IF THE
5 COURT DENIES A PETITION UNDER THIS SECTION, THE COURT SHALL STATE
6 ON THE RECORD ITS REASONS FOR DENYING THE PETITION.

7 (2) A PROBATIONER WHOSE PETITION IS DENIED UNDER THIS SEC-
8 TION MAY SUBMIT ANOTHER PETITION UNDER THIS SECTION NOT SOONER
9 THAN 1 YEAR AFTER THE DENIAL OF THE PREVIOUS PETITION, AND THE
10 COURT MAY GRANT THE PETITION IF THE PETITIONER HAS COMPLIED WITH
11 ALL TERMS AND CONDITIONS OF HIS OR HER PROBATION ORDER SINCE THE
12 DATE OF THE DENIAL OF THE PREVIOUS PETITION SUBMITTED UNDER THIS
13 SECTION.