

**SUBSTITUTE FOR  
SENATE BILL NO. 1492**

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 14 of chapter XI (MCL 771.14), as amended by  
2000 PA 279.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER XI

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Sec. 14. (1) Before the court sentences a person charged with  
a felony or a person who is a licensee or registrant under article  
15 of the public health code, 1978 PA 368, MCL 333.16101 to  
333.18838, as described in section ~~1(11)~~**1(14)** of chapter IX, and,  
if directed by the court, in any other case in which a person is  
charged with a misdemeanor within the jurisdiction of the court,  
the probation officer shall inquire into the antecedents,  
character, and circumstances of the person, and shall report in

1 writing to the court.

2 (2) A PRESENTENCE INVESTIGATION REPORT PREPARED UNDER  
3 SUBSECTION (1) SHALL NOT INCLUDE ANY ADDRESS OR TELEPHONE NUMBER  
4 FOR THE HOME, WORKPLACE, SCHOOL, OR PLACE OF WORSHIP OF ANY VICTIM  
5 OR WITNESS, OR A FAMILY MEMBER OF ANY VICTIM OR WITNESS, UNLESS AN  
6 ADDRESS IS USED TO IDENTIFY THE PLACE OF THE CRIME OR TO IMPOSE  
7 CONDITIONS OF RELEASE FROM CUSTODY THAT ARE NECESSARY FOR THE  
8 PROTECTION OF A NAMED INDIVIDUAL. UPON REQUEST, ANY OTHER ADDRESS  
9 OR TELEPHONE NUMBER THAT WOULD REVEAL THE LOCATION OF A VICTIM OR  
10 WITNESS OR A FAMILY MEMBER OF A VICTIM OR WITNESS SHALL BE EXEMPTED  
11 FROM DISCLOSURE UNLESS AN ADDRESS IS USED TO IDENTIFY THE PLACE OF  
12 THE CRIME OR TO IMPOSE CONDITIONS OF RELEASE FROM CUSTODY THAT ARE  
13 NECESSARY FOR THE PROTECTION OF A NAMED INDIVIDUAL. A presentence  
14 investigation report prepared under subsection (1) shall include  
15 all of the following:

16 (a) An evaluation of and a prognosis for the person's  
17 adjustment in the community based on factual information contained  
18 in the report.

19 (b) If requested by a victim, any written impact statement  
20 submitted by the victim under the **WILLIAM VAN REGENMORTER** crime  
21 victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

22 (c) A specific written recommendation for disposition based on  
23 the evaluation and other information as prescribed by the assistant  
24 director of the department of corrections in charge of probation.

25 (d) A statement prepared by the prosecuting attorney as to  
26 whether consecutive sentencing is required or authorized by law.

27 (e) For a person to be sentenced under the sentencing

1 guidelines set forth in chapter XVII, all of the following:

2 (i) For each conviction for which a consecutive sentence is  
3 authorized or required, the sentence grid in part 6 of chapter XVII  
4 that contains the recommended minimum sentence range.

5 (ii) Unless otherwise provided in subparagraph (i), for each  
6 crime having the highest crime class, the sentence grid in part 6  
7 of chapter XVII that contains the recommended minimum sentence  
8 range.

9 (iii) Unless otherwise provided in subparagraph (i), the  
10 computation that determines the recommended minimum sentence range  
11 for the crime having the highest crime class.

12 (iv) A specific statement as to the applicability of  
13 intermediate sanctions, as defined in section 31 of chapter IX.

14 (v) The recommended sentence.

15 (f) If a person is to be sentenced for a felony or for a  
16 misdemeanor involving the illegal delivery, possession, or use of  
17 alcohol or a controlled substance, a statement that the person is  
18 licensed or registered under article 15 of the public health code,  
19 1978 PA 368, MCL 333.16101 to 333.18838, if applicable.

20 (g) Diagnostic opinions that are available and not exempted  
21 from disclosure under subsection (3).

22 (3) The court may exempt from disclosure in the presentence  
23 investigation report information or a diagnostic opinion that might  
24 seriously disrupt a program of rehabilitation or sources of  
25 information obtained on a promise of confidentiality. If a part of  
26 the presentence investigation report is not disclosed, the court  
27 shall state on the record the reasons for its action and inform the

1 defendant and his or her attorney that information has not been  
2 disclosed. The action of the court in exempting information from  
3 disclosure is subject to appellate review. Information or a  
4 diagnostic opinion exempted from disclosure ~~pursuant to~~ **UNDER** this  
5 subsection shall be specifically noted in the presentence  
6 investigation report.

7 (4) If a prepared presentence investigation report is amended  
8 or altered before sentencing by the supervisor of the probation  
9 officer who prepared the report or by any other person who has the  
10 authority to amend or alter a presentence investigation report, the  
11 probation officer may request that the court strike his or her name  
12 from the report and the court shall comply with that request.

13 (5) The court shall permit the prosecutor, the defendant's  
14 attorney, and the defendant to review the presentence investigation  
15 report before sentencing.

16 (6) At the time of sentencing, either party may challenge, on  
17 the record, the accuracy or relevancy of any information contained  
18 in the presentence investigation report. The court may order an  
19 adjournment to permit the parties to prepare a challenge or a  
20 response to a challenge. If the court finds on the record that the  
21 challenged information is inaccurate or irrelevant, that finding  
22 shall be made a part of the record, the presentence investigation  
23 report shall be amended, and the inaccurate or irrelevant  
24 information shall be stricken accordingly before the report is  
25 transmitted to the department of corrections.

26 (7) **A COPY OF THE REPORT DESCRIBED UNDER SUBSECTION (5) AND**  
27 **THE AMENDED REPORT DESCRIBED UNDER SUBSECTION (6) SHALL BE PROVIDED**

1 TO THE PROSECUTOR AND THE DEFENDANT'S ATTORNEY OR THE DEFENDANT IF  
2 HE OR SHE IS NOT REPRESENTED BY AN ATTORNEY. THE COPY OF THE REPORT  
3 DESCRIBED UNDER SUBSECTION (5) SHALL BE PROVIDED NOT LESS THAN 2  
4 BUSINESS DAYS BEFORE SENTENCING UNLESS THAT PERIOD IS WAIVED BY THE  
5 DEFENDANT. THE PROSECUTOR AND THE DEFENDANT'S ATTORNEY OR THE  
6 DEFENDANT IF HE OR SHE IS NOT REPRESENTED BY AN ATTORNEY HAVE THE  
7 RIGHT TO RETAIN A COPY OF THE REPORT AND THE AMENDED REPORT  
8 PROVIDED UNDER THIS SUBSECTION.

9 (8) ~~(7)~~—On appeal, the defendant's attorney, or the defendant  
10 if proceeding pro se, shall be provided with a copy of the  
11 presentence investigation report and any attachments to the report  
12 with the exception of any information exempted from disclosure by  
13 the court under subsection (3).

14 (9) ~~(8)~~—If the person is committed to a state penal  
15 institution, a copy or amended copy of the presentence  
16 investigation report and, if a psychiatric examination of the  
17 person has been made for the court, a copy of the psychiatric  
18 report shall accompany the commitment papers. If the person is  
19 sentenced by fine or imprisonment or placed on probation or other  
20 disposition of his or her case is made by the court, a copy or  
21 amended copy of the presentence investigation report, including a  
22 psychiatric examination report made in the case, shall be filed  
23 with the department of corrections.

24 (10) ~~(9)~~—A prisoner under the jurisdiction of the department  
25 of corrections shall be provided with a copy of any presentence  
26 investigation report in the department's possession about that  
27 prisoner, except for information exempted from disclosure under

1 subsection (3), not less than 30 days before a parole interview is  
2 conducted under section 35 of **THE CORRECTIONS CODE OF 1953**, 1953 PA  
3 232, MCL 791.235.

4 Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No. 1491 of the 95th Legislature is enacted into  
6 law.